

universities, colleges, and houses of learning within the same, and to the said universities in Scotland, and to the respective colleges of Eton, Westminster, and Winchester, may be ascertained and known, be it therefore enacted by the authority aforesaid, That nothing in this Act contained shall be construed to extend to subject any bookseller, printer, or other person whatsoever, to the forfeitures or penalties herein mentioned, for or by reason of the printing or reprinting, importing or exposing to sale, any book or books, unless the title to the copy of such book or books, which has or have been already bequeathed or given to any of the said universities or colleges aforesaid, be entered in the register book of the Company of Stationers kept for that purpose, in such manner as hath been usual, on or before the twenty-fourth day of June, one thousand seven hundred and seventy-five; and of all and every such book or books as may or shall hereafter be bequeathed or given as aforesaid, be entered in such register within the space of two months after any such bequest or gift shall have come to the knowledge of the vice-chancellors of the said universities, or the heads of houses and colleges of learning, or of the principal of any of the said four universities respectively: for every of which entries so to be made as aforesaid the sum of sixpence shall be paid, and no more; which said register book shall and may, at all seasonable and convenient times, be referred to and inspected by any bookseller, printer, or other person, without any fee or reward; and the clerk of the said company of Stationers shall, when and as often as thereunto required, give a certificate under his hand of such entry or entries, and for every such certificate may take a fee not exceeding sixpence.

books already bequeathed, unless they be entered before June 24, 1775.

All books that may hereafter be bequeathed, must be entered within two months after such bequest shall be known.

6d. to be paid for each entry in the register book, which may be inspected without fee.

Clerk to give a certificate, being paid 6d.

V. And be it further enacted, That if the clerk of the said Company of Stationers for the time being shall refuse or neglect to register or make such entry or entries, or to give such certificate, being thereunto required by the agent of either of the said universities or colleges aforesaid, lawfully authorized for that purpose, then either of the said universities or colleges aforesaid, being the proprietor of such copyright or copyrights as aforesaid (notice being first given of such refusal by an advertisement in the 'Gazette'), shall have the like benefit as if such entry or entries, certificate or certificates, had been duly made and given; and the clerk so refusing shall for every such offence forfeit twenty pounds to the proprietor or proprietors of every such copyright; to be recovered in any of His Majesty's Courts of Record at Westminster, or in the Court of Session in Scotland, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, protection, or more than one imparlance shall be allowed.

If clerk refuse or neglect to make entry. &c.

Proprietor of such copyright to have like benefit as if such entry had been made, and the clerk shall forfeit £20.

VI. and VII. repealed by 24 & 25 Vict. c. 101.

VIII. And be it further enacted by the authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Public Act, and shall be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same.

Public Act.

17 GEO. III. c. 57 (1777). ^v

An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases.

Recital of
Acts 8 Geo. II.
and 7 Geo. II.

WHEREAS an Act of Parliament passed in the eighth year of the reign of His late Majesty King George the Second, intituled "An Act for the Encouragement of the Arts of designing, engraving, and etching historical and other Prints, by vesting the Properties thereof in the Inventors and Engravers, during the Time therein mentioned:" And whereas, by an Act of Parliament passed in the seventh year of the reign of His present Majesty, for amending and rendering more effectual the aforesaid Act, and for other purposes therein mentioned, it was (among other things) enacted, That from and after the first day of January one thousand seven hundred and sixty-seven, all and every person or persons who should engrave, etch, or work in mezzotinto or chiaro-oscuro, or cause to be engraved, etched, or worked any print taken from any picture, drawing, model, or sculpture, either ancient or modern, should have and were thereby declared to have the benefit and protection of the said former Act and that Act, for the term thereafter mentioned, in like manner as if such print had been graved or drawn from the original design of such graver, etchor, or draughtsman; and whereas the said Acts have not effectually answered the purposes for which they were intended, and it is necessary for the encouragement of artists, and for securing to them the property of and in their works, and for the advancement and improvement of the aforesaid arts, that such further provisions should be made as are hereafter mentioned and contained: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of June, one thousand seven hundred and seventy-seven, if any engraver, etcher, print-seller, or other person shall, within the time limited by the aforesaid Acts, or either of them, engrave, etch, or work, or cause or procure to be engraved, etched, or worked, in mezzotinto or chiaro-oscuro, or otherwise, or in any other manner copy, in the whole or in part, by varying, adding to, or diminishing from the main design, or shall print, reprint, or import for sale, or cause or procure to be printed, reprinted, or imported for sale, or shall publish, sell, or otherwise dispose of, any copy or copies of any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, which hath or have been, or shall be engraved, etched, drawn, or designed, in any part of Great Britain, without the express consent of the proprietor

After June 24, 1777, if any engraver, &c., shall, within the time limited by the aforesaid Acts, engrave or etch, &c., any print without the consent of the proprietor, he shall be liable to damages and double costs.

or proprietors thereof first had and obtained in writing, signed by him, her, or them respectively, with his, her, or their own hand or hands, in the presence of and attested by two or more credible witnesses, then every such proprietor or proprietors shall and may, by and in a special action upon the case, to be brought against the person or persons so offending, recover such damages as a jury on the trial of such action or on the execution of a writ of inquiry thereon, shall give or assess, together with double costs (a) of suit.

27 GEO. III. c. 38 (1787).

An Act for the encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.

Repealed by 5 & 6 Vict. c. 100, § 1.

29 GEO. III. c. 19 (1789).

An Act for continuing an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Property thereof in the Designers, Printers, and Proprietors for a limited Time.

Repealed by 5 & 6 Vict. c. 100, § 1.

34 GEO. III. c. 23 (1794).

An Act for amending and making perpetual an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Period.

Repealed by 5 & 6 Vict. c. 100, § 1.

38 GEO. III. c. 71 (1798).

An Act for Encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned.

Repealed by 24 and 25 Vict. c. 101.

(a) So much of this statute as relates to double costs is repealed by 24 and 25 Vict. c. 101.

41 GEO. III. c. 107 (1801).

An Act for the further Encouragement of Learning, in the United Kingdom of Great Britain and Ireland, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns, for the time therein mentioned.

Repealed by 5 & 6 Vict. c. 45, § 1.

54 GEO. III. c. 56.

An Act to amend and render more effectual an Act of His present Majesty, for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned; and for giving further Encouragement to such Arts.

[18th May, 1814.]

38 Geo. III.
c. 71.

The sole right and property of all new and original sculptures, models, copies, and casts, vested in the proprietors for fourteen years.

WHEREAS by an Act, passed in the thirty-eighth year of the reign of His present Majesty, intituled "An Act for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned," the sole right and property thereof were vested in the original proprietors, for a time therein specified: And whereas the provisions of the said Act having been found ineffectual for the purposes thereby intended, it is expedient to amend the same, and to make other provisions and regulations for the encouragement of artists, and to secure to them the profits of and in their works, and for the advancement of the said arts: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, every person or persons who shall make or cause to be made any new and original sculpture or model, or copy or cast, of the human figure, or human figures, or of any bust or busts, or of any part or parts of the human figure, clothed in drapery or otherwise, or of any animal or animals, or of any part or parts of any animal combined with the human figure or otherwise, or of any subject being matter of invention in sculpture, or of any alto or basso-relievo representing any of the matters or things hereinbefore mentioned, or any cast from nature of the human figure, or of any part or parts of the human figure, or of any cast from nature of any animal, or of any part or parts of any animal, or of any such subject containing or representing any of the matters and things hereinbefore mentioned, whether separate or combined, shall have the sole right and property of all and in every such new and original sculpture, model, copy, and cast of the human figure or human figures, and of all and in every such busts or busts, and of

all and in every such part or parts of the human figure, clothed in drapery or otherwise, and of all and in every such new and original sculpture, model, copy, and cast, representing any animal or animals, and of all and in every such work representing any part or parts of any animal combined with the human figure or otherwise, and of all and in every such new and original sculpture, model, copy, and cast of any subject, being matter of invention in sculpture, and of all and in every such new and original sculpture, model, copy, and cast in alto or basso relievo, representing any of the matters or things hereinbefore mentioned, and of every such cast from nature, for the term of fourteen years from first putting forth or publishing the same: Provided, in all and in every case, the proprietor or proprietors do cause his, her, or their name or names, with the date, to be put on all and every such new and original sculpture, model, copy, or cast, and on every such cast from nature, before the same shall be put forth or published.

II. And be it further enacted, That the sole right and property of all works, which have been put forth or published under the protection of the said recited Act, shall be extended, continued to and vested in the respective proprietors thereof for the term of fourteen years, to commence from the date when such last mentioned works respectively were put forth or published.

Works published under the recited Act, vested in the proprietors for fourteen years.

III. And be it further enacted, That if any person or persons shall within such term of fourteen years, make or import, or cause to be made or imported, or exposed for sale, or otherwise disposed of, any pirated copy or pirated cast of any such new and original sculpture, or model or copy, or cast of the human figure or figures, or of any such bust or busts, or of any such part or parts of the human figure clothed in drapery or otherwise, or of any such work of any animal or animals, or of any such part or parts of any animal or animals combined with the human figure or otherwise, or of any such subject being matter of any invention in sculpture, or of any such alto or basso-relievo representing any of the matters or things hereinbefore mentioned, or of any such cast from nature as aforesaid, whether such pirated copy or pirated cast be produced by moulding or copying from, or imitating in any way, any of the matter or things put forth or published under the protection of this Act, or of any works which have been put forth or published under the protection of the said recited Act, the right and property whereof is and are secured, extended, and protected by this Act in any of the cases as aforesaid, to the detriment, damage, or loss of the original or respective proprietor or proprietors of any such works so pirated; then and in all such cases the said proprietor or proprietors, or their assignee or assignees, shall and may, by and in a special action upon the case to be brought against the person or persons so offending, receive such damages as a jury on a trial of such action shall give or assess, together with double costs of suit.

Persons putting forth pirated copies or pirated casts, may be prosecuted.

Damages and double costs.

IV. Provided nevertheless, That no person or persons who shall or

Purchasers of

copyright secured in the same.

may hereafter purchase the right or property of any new and original sculpture or model, or copy or cast, or of any cast from nature, or of any of the matters and things published under or protected by virtue of this Act, of the proprietor or proprietors, expressed in a deed in writing signed by him, her, or them respectively, with his, her, or their own hand, or hands, in the presence of and attested by two or more credible witnesses, shall be subject to any action for copying, or casting, or vending the same, anything contained in this Act to the contrary notwithstanding.

Limitation of actions.

V. Provided always, and be it further enacted, That all actions to be brought as aforesaid, against any person or persons for any offence committed against this Act, shall be commenced within six calendar months next after the discovery of every such offence, and not afterwards.

An additional term of fourteen years, in case the maker of the original sculpture, &c., shall be living.

VI. Provided always, and be it further enacted, That from and immediately after the expiration of the said term of fourteen years, the sole right of making and disposing of such new and original sculpture or model, or copy, or cast of any of the matters or things hereinbefore mentioned, shall return to the person or persons who originally made or caused to be made the same, if he or they shall be then living, for the further term of fourteen years, excepting in the case or cases where such person or persons shall by sale or otherwise have divested himself, herself, or themselves, of such right of making or disposing of any new and original sculpture, model, or copy, or cast of any of the matters or things hereinbefore mentioned, previous to the passing of this Act.

54 GEO. C. 156 (1814).

An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books or their Assigns.

Repealed by 5 & 6 Vict. c. 45, § 1.

3 WILL. IV. C. 15.

An Act to amend the Laws relating to dramatic literary Property.

[10th June, 1838.]

54 Geo. III. c. 156.

WHEREAS by an Act passed in the fifty-fourth year of the reign of His late Majesty, King George the Third, intituled "An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books or their Assigns," it was amongst other things provided and enacted, that from and after the passing of the said Act the author of any book or books composed, and not printed or published, or which should thereafter be composed and printed and published, and his assignee or assigns, should

have the sole liberty of printing and reprinting such book or books for the full term of twenty-eight years, to commence from the day of first publishing the same, and also, if the author should be living at the end of that period for the residue of his natural life: And whereas it is expedient to extend the provisions of the said Act: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act the author of any tragedy, comedy, play, opera, farce, or any other dramatic piece or entertainment, composed, and not printed and published by the author thereof, or his assignee, or which hereafter shall be composed, and not printed or published by the author thereof or his assignee, or the assignee of such author, shall have as his own property the sole liberty of representing, or causing to be represented, at any place or places of dramatic entertainment whatsoever, in any part of the United Kingdom of Great Britain and Ireland, in the Isles of Man, Jersey, and Guernsey, or in any part of the British dominions, any such production as aforesaid, not printed and published by the author thereof or his assignee, and shall be deemed and taken to be the proprietor thereof; and that the author of any such production, printed and published within ten years before the passing of this Act by the author thereof or his assignee, or which shall hereafter be so printed and published, or the assignee of such author, shall from the time of passing this Act, or from the time of such publication respectively, until the end of twenty-eight years from the day of such first publication of the same, and also, if the author or authors, or the survivor of the authors, shall be living at the end of that period, during the residue of his natural life, have as his own property the sole liberty of representing, or causing to be represented, the same at any such place of dramatic entertainment as aforesaid, and shall be deemed and taken to be the proprietor thereof: Provided nevertheless, that nothing in this Act contained shall prejudice, alter, or affect the right or authority of any person to represent or cause to be represented, at any place or places of dramatic entertainment whatsoever, any such production as aforesaid, in all cases in which the author thereof or his assignee shall, previously to the passing of this Act, have given his consent to or authorized such representation, but that such sole liberty of the author or his assignee shall be subject to such right or authority.

The author of any dramatic piece shall have as his property the sole liberty of representing it or causing it to be represented at any place of dramatic entertainment.

Provido as to cases where previous to the passing of this Act, a consent has been given.

Penalty on persons performing pieces contrary to this Act.

II. And be it further enacted, That if any person shall, during the continuance of such sole liberty as aforesaid, contrary to the intent of this Act, or right of the author or his assignee, represent or cause to be represented, without the consent in writing of the author or other proprietor first had and obtained at any place of dramatic entertainment within the limits aforesaid, any such production as aforesaid, or any part thereof, every such offender shall be liable for each and every such representation to the payment of an amount not less than forty shillings,

or to the full amount of the benefit or advantage arising from such representation, or the injury or loss sustained by the plaintiff therefrom, whichever shall be the greater damages, to the author or other proprietor of such production so represented contrary to the true intent and meaning of this Act; to be recovered, together with double costs of suit, by such author or other proprietors, in any court having jurisdiction in such cases in that part of the United Kingdom or of the British dominions in which the offence shall be committed; and in every such proceeding where the sole liberty of such author or his assignee as aforesaid shall be subject to such right or authority as aforesaid, it shall be sufficient for the plaintiff to state that he has such sole liberty, without stating the same to be subject to such right or authority, or otherwise mentioning the same.

Limitation
of actions.

III. Provided nevertheless, and be it further enacted, That all actions or proceedings for any offence or injury that shall be committed against this Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of no effect.

Explanation
of words.

IV. And be it further enacted, that whenever authors, persons, offenders, or others are spoken of in this Act in the singular number or in the masculine gender, the same shall extend to any number of persons and to either sex.

5 & 6 WILL. IV. c. 65.

An Act for preventing the Publication of Lectures without Consent.

[9th September, 1835.]

Authors of
lectures, or
their assigns,
to have the
sole right of
publishing
them.

WHEREAS printers, publishers, and other persons have frequently taken the liberty of printing and publishing lectures delivered upon divers subjects, without the consent of the authors of such lectures, or the persons delivering the same in public, to the great detriment of such authors and lecturers: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of September one thousand eight hundred and thirty-five the author of any lecture or lectures, or the person to whom he hath sold or otherwise conveyed the copy thereof, in order to deliver the same in any school, seminary, institution, or other place, or for any other purpose, shall have the sole right and liberty of printing and publishing such lecture or lectures; and that if any person shall, by taking down the same in short-hand or otherwise in writing, or in any other way, obtain or make a copy of such lecture or lectures, and shall print or lithograph or otherwise copy and publish the same, or cause the same to be printed, lithographed, or otherwise copied and published, without leave of the author thereof, or

Penalty on
other persons
publishing,
&c., lectures
without leave.

of the person to whom the author thereof hath sold or otherwise conveyed the same, and every person who, knowing the same to have been printed or copied and published without such consent, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, any such lecture or lectures, shall forfeit such printed or otherwise copied lecture or lectures, or parts thereof, together with one penny for every sheet thereof which shall be found in his custody, either printed, lithographed, or copied, or printing, lithographing, or copying, published or exposed to sale, contrary to the true intent and meaning of this Act, the one moiety thereof to His Majesty, his heirs or successors, and the other moiety thereof to any person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record in Westminster, by action of debt, bill, plaint, or information, in which no wager of law, essoign, privilege, or protection, or more than one imparlance shall be allowed.

II. And be it further enacted, That any printer or publisher of any newspaper who shall, without such leave as aforesaid, print and publish in such newspaper any lecture or lectures, shall be deemed and taken to be a person printing and publishing without leave within the provisions of this Act, and liable to the aforesaid forfeitures and penalties in respect of such printing and publishing.

Penalty on printers or publishers of newspapers publishing lectures without leave.

III. And be it further enacted, That no person allowed for certain fee and reward, or otherwise, to attend and be present at any lecture delivered in any place, shall be deemed and taken to be licensed or to have leave to print, copy, and publish such lectures only because of having leave to attend such lecture or lectures.

Persons having leave to attend lectures not on that account licensed to publish them.

IV. Provided always, That nothing in this Act shall extend to prohibit any person from printing, copying, and publishing any lecture or lectures which have or shall have been printed and published with leave of the authors thereof or their assignees, and whereof the time hath or shall have expired within which the sole right to print and publish the same is given by an Act passed in the eighth year of the reign of Queen Anne, intituled "An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the Times therein mentioned," and by another Act passed in the fifty-fourth year of the reign of King George the Third, intituled "An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns," or to any lectures which have been printed or published before the passing of this Act.

Act not to prohibit the publishing of lectures after expiration of the copyright.

8 Anne, c. 19.

54 G. III. c. 156.

V. Provided further, That nothing in this Act shall extend to any lecture or lectures, or the printing, copying, or publishing any lecture or lectures, or parts thereof, of the delivering of which notice in writing shall not have been given to two justices living within five miles from the place where such lecture or lectures shall be delivered two days at the least before delivering the same, or to any lecture or lectures

Act not to extend to lectures delivered in unlicensed places, &c.

delivered in any university or public school or college, or on any public foundation, or by any individual in virtue of or according to any gift, endowment, or foundation; and that the law relating thereto shall remain the same as if this Act had not been passed.

6 & 7 WILL. IV. c. 59.

An Act to extend the Protection of Copyright in Prints and Engravings to Ireland.

[13th August, 1836.]

WHEREAS an Act was passed in the seventeenth year of the reign of 17 G. III. c. 57. His late Majesty King George Third, intituled "An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases:" And whereas it is desirable to extend the provisions of the said Act to Ireland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act all the provisions contained in the said recited Act of the seventeenth year of the reign of His late Majesty King George the Third, and of all the other Acts therein recited, shall be and the same are hereby extended to the United Kingdom of Great Britain and Ireland.

Provisions of recited Act extended to Ireland.

Penalty on engraving or publishing any print without consent of proprietor.

II. And be it further enacted, That from and after the passing of this Act, if any engraver, etcher, print-seller, or other person shall within the time limited by the aforesaid recited Acts, engrave, etch, or publish, or cause to be engraved, etched, or published, any engraving or print of any description whatever, either in whole or in part, which may have been or which shall hereafter be published in any part of Great Britain or Ireland, without the express consent of the proprietor or proprietors thereof first had and obtained in writing, signed by him, her, or them respectively, with his, her, or their own hand or hands in the presence of and attested by two or more credible witnesses, then every such proprietor shall and may, by and in a separate action upon the case, to be brought against the person so offending in any court of law in Great Britain or Ireland, recover such damages as a jury on the trial of such action or on the execution of a writ of inquiry thereon shall give or assess together with double costs of suit.

1 & 2 VICT. c. 59 (1838).

"The International Copyright Act."

Repealed by 7 Vict. c. 12.

2 VICT. c. 13 (1839).

An Act for extending the Copyright of Designs for Calico-Printing to Designs for Printing other woven Fabrics.

Repealed by 5 & 6 Vict. c. 100, § 1.

2 VICT. c. 17 (1839).

An Act to secure to Proprietors of Designs for Articles of Manufacture the Copyright of such Designs for a limited Time.

Repealed by 5 & 6 Vict. c. 100, § 1.

5 & 6 VICT. c. 45.

An Act to amend the Law of Copyright.

[1st July, 1842.]

WHEREAS it is expedient to amend the law relating to copyright, and to afford greater encouragement to the production of literary works of lasting benefit to the world: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from the passing of this Act an Act passed in the eighth year of Her Majesty Queen Anne, intituled "An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the Time therein mentioned"; and also an Act passed in the forty-first year of the reign of His Majesty King George the Third, intituled "An Act for the further Encouragement of Learning in the United Kingdom of Great Britain and Ireland, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns, for the Time therein mentioned;" and also an Act passed in the fifty-fourth year of the reign of His Majesty King George the Third, intituled "An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns," be and the same are hereby repealed, except so far as the continuance of either of them may be necessary for carrying on or giving effect to any proceeding at law or in equity pending at the time of passing this Act, or for enforcing any cause of action or suit, or any right or contract then subsisting.

Repeal of former Acts; 8 Anne, c. 19.

41 G. III. c. 107.

54 G. III. c. 156.

II. And be it enacted, That in the construction of this Act the word "book" shall be construed to mean and include every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan separately published: that the words "dramatic

Interpretation of Act.

piece" shall be construed to mean and include every tragedy, comedy, play, opera, farce, or other scenic, musical, or dramatic entertainment; that the word "copyright" shall be construed to mean the sole and exclusive liberty of printing or otherwise multiplying copies of any subject to which the said word is herein applied; that the words "personal representative" shall be construed to mean and include every executor, administrator, and next of kin entitled to administration; that the word "assigns" shall be construed to mean and include every person in whom the interest of an author in copyright shall be vested, whether derived from such author before or after the publication of any book, and whether acquired by sale, gift, bequest, or by operation of law, or otherwise; that the words "British Dominions" shall be construed to mean and include all parts of the United Kingdom of Great Britain and Ireland, the Islands of Jersey and Guernsey, all parts of the East and West Indies, and all the colonies, settlements, and possessions of the Crown which now are or hereafter may be acquired; and that whenever in this Act, in describing any person, matter, or thing the word importing the singular number or the masculine gender only is used, the same shall be understood to include and to be applied to several persons as well as one person, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there shall be something in the subject or context repugnant to such construction.

Endurance of term of copyright in any book hereafter to be published in the lifetime of the author;

if published after the author's death.

In cases of subsisting copyright, the term to be extended, except when it shall belong to an assignee for other consideration than natural love and affection; in

III. And be it enacted, That the copyright in every book which shall after the passing of this Act be published in the lifetime of its author shall endure for the natural life of such author, and for the further term of seven years, commencing at the time of his death, and shall be the property of such author and his assigns: Provided always, that if the said term of seven years shall expire before the end of forty-two years from the first publication of such book, the copyright shall in that case endure for such period of forty-two years; and that the copyright in every book which shall be published after the death of its author shall endure for the term of forty-two years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript from which such book shall be first published, and his assigns.

IV. And whereas it is just to extend the benefits of this Act to authors of books published before the passing thereof, and in which copyright still subsists, be it enacted, That the copyright which at the time of passing this Act shall subsist in any book theretofore published (except as hereinafter mentioned) shall be extended and endure for the full term provided by this Act in cases of books thereafter published, and shall be the property of the person who at the time of passing of this Act shall be the proprietor of such copyright: Provided always, that in all cases in which such copyright shall belong in whole or in part to a publisher or other person who shall have acquired it for other

consideration than that of natural love and affection, such copyright shall not be extended by this Act, but shall endure for the term which shall subsist therein at the time of passing of this Act, and no longer, unless the author of such book, if he shall be living, or the personal representative of such author if he shall be dead and the proprietor of such copyright, shall, before the expiration of such term, consent and agree to accept the benefits of this Act in respect of such book, and shall cause a minute of such consent in the form in that behalf given in the schedule to this Act annexed to be entered in the book of registry hereinafter directed to be kept, in which case such copyright shall endure for the full term by this Act provided in cases of books to be published after the passing of this Act, and shall be the property of such person or persons as in such minute shall be expressed.

which case it shall cease at the expiration of the present term, unless its extension be agreed to between the proprietor and the author.

V. And whereas it is expedient to provide against the suppression of books of importance to the public, be it enacted, That it shall be lawful for the judicial committee of Her Majesty's Privy Council, on complaint made to them that the proprietor of the copyright in any book after the death of its author has refused to republish or to allow the republication of the same, and that by reason of such refusal such book may be withheld from the public, to grant a licence to such complainant to publish such book, in such manner and subject to such conditions as they may think fit, and that it shall be lawful for such complainant to publish such book according to such licence.

Judicial committee of the Privy Council may license the republication of books which the proprietor refuses to republish after death of the author.

VI. And be it enacted, That a printed copy of the whole of every book which shall be published after the passing of this Act, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall be published, and also of any second or subsequent edition which shall be so published with any additions or alterations, whether the same shall be in letter-press, or in the maps, prints, or other engravings belonging thereto, and whether the first edition of such book shall have been published before or after the passing of this Act, and also of any second or subsequent edition of every book of which the first of some preceding edition shall not have been delivered for the use of the British Museum, bound, sewed, or stitched together, and upon the best paper on which the same shall be printed, shall, within one calendar month after the day on which any such book shall first be sold, published, or offered for sale within the bills of mortality, or within three calendar months if the same shall first be sold, published, or offered for sale in any other part of the United Kingdom, or within twelve calendar months after the same shall first be sold, published, or offered for sale in any other part of the British dominions, be delivered, on behalf of the publisher thereof at the British Museum.

Copies of books published after the passing of this Act, and of all subsequent editions, to be delivered within certain times at the British Museum.

VII. And be it enacted, That every copy of any book which under the provisions of this Act ought to be delivered as aforesaid shall be delivered at the British Museum between the hours of ten in the

Mode of delivering at the British Museum.

forenoon and four in the afternoon on any day except Sunday, Ash Wednesday, Good Friday, and Christmas Day, to one of the officers of the said museum, or to some person authorized by the trustees of the said museum to receive the same, and such officer or other person receiving such copy is hereby required to give a receipt in writing for the same, and such delivery, to all intents and purposes, be deemed to be good and sufficient delivery under the provisions of this Act.

A copy of every book to be delivered within a month after demand to the officer of the Stationers' Company, for the following libraries: the Bodleian at Oxford, the Public Library at Cambridge, the Faculty of Advocates at Edinburgh, and that of Trinity College, Dublin.

VIII. And be it enacted, That a copy of the whole of every book, and of any second or subsequent edition of every book containing additions and alterations, together with all maps and prints belonging thereto, which after the passing of this Act shall be published, shall, on demand thereof in writing, left at the place of abode of the publisher thereof, at any time within twelve months next after the publication thereof, under the hand of the officer of the Company of Stationers, who shall from time to time be appointed by the said company for the purposes of this Act, or under the hand of any other person thereto authorized by the persons or bodies politic and corporate, proprietors and managers of the libraries following (*videlicet*), the Bodleian Library at Oxford, the Public Library at Cambridge, the Library of the Faculty of Advocates at Edinburgh, the Library of the College of the Holy Undivided Trinity of Queen Elizabeth near Dublin, be delivered, upon the paper of which the largest number of copies of such book or edition shall be printed for sale, in the like condition as the copies prepared for sale by the publisher thereof respectively within one month after demand made thereof in writing as aforesaid, to the said officer of the said Company of Stationers for the time being, which copies the said officer shall and he is hereby required to receive at the hall of the said company, for the use of the library for which such demand shall be made within such twelve months as aforesaid; and the said officer is hereby required to give a receipt in writing for the same, and within one month after any such book shall be so delivered to him as aforesaid to deliver the same for the use of such library.

Publishers may deliver the copies to the libraries, instead of at the Stationers' Company.

IX. Provided also, and be it enacted, That if any publisher shall be desirous of delivering the copy of such book as shall be demanded on behalf of any of the said libraries at such library, it shall be lawful for him to deliver the same at such library, free of expense, to such librarian or other person authorized to receive the same (who is hereby required in such case to receive and give a receipt in writing for the same), and such delivery shall to all intents and purposes of this Act be held as equivalent to a delivery to the said officer of the Stationers' Company.

Penalty for default in delivering copies for the use of the libraries.

X. And be it enacted, That if any publisher of any such book, or of any second or subsequent edition of any such book, shall neglect to deliver the same pursuant to this Act, he shall for every such default forfeit, besides the value of such copy of such book or edition which he ought to have delivered, a sum not exceeding five pounds, to be recovered by the librarian or other officer (properly authorized) of the library for

the use whereof such copy should have been delivered, in a summary way, on conviction before two justices of the peace for the county or place where the publisher making default shall reside, or by action of debt or other proceeding of the like nature, at the suit of such librarian or other officer, in any court of record in the United Kingdom, in which action, if the plaintiff shall obtain a verdict, he shall recover his costs reasonably incurred, to be taxed as between attorney and client.

XI. And be it enacted, That a book of registry, wherein may be registered, as hereinafter enacted, the proprietorship in the copyright of books, and assignments thereof, and in dramatic and musical pieces, whether in manuscript or otherwise, and licences affecting such copyright, shall be kept at the hall of the Stationers' Company by the officer appointed by the said company for the purposes of this Act and shall at all convenient times be open to the inspection of any person, on payment of one shilling for every entry which shall be searched for or inspected in the said book; and that such officer shall, whenever thereunto reasonably required, give a copy of any entry in such book, certified under his hand, and impressed with the stamp of the said company, to be provided by them for that purpose, and which they are hereby required to provide, to any person requiring the same, on payment to him of the sum of five shillings; and such copies so certified and impressed, shall be received in evidence in all courts, and in all summary proceedings, and shall be *prima facie* proof of the proprietorship or assignment of copyright or licence as therein expressed, but subject to be rebutted by other evidence, and in the case of dramatic or musical pieces shall be *prima facie* proof of the right of representation or performance, subject to be rebutted as aforesaid.

XII. And be it enacted, That if any person shall wilfully make or cause to be made any false entry in the registry book of the Stationers' Company, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of any entry in the said book, he shall be guilty of an indictable misdemeanour, and shall be punished accordingly.

XIII. And be it enacted, That after the passing of this Act, it shall be lawful for the proprietor of copyright in any book heretofore published, or in any book hereafter to be published, to make entry in the registry book of the Stationers' Company of the title of such book, the time of the first publication thereof, the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright, in the form in that behalf given in the schedule to this Act annexed, upon payment of the sum of five shillings to the officer of the said company; and that it shall be lawful for every such registered proprietor to assign his interest, or any portion of his interest therein, by making entry in the said book of registry of such assignment, and of

the name and place of abode of the assignee thereof, in the form given in that behalf in the said schedule, on payment of the like sum; and such assignment so entered shall be effectual in law to all intents and purposes whatsoever, without being subject to any stamp or duty; and shall be of the same force and effect as if such assignment had been made by deed.

Persons aggrieved by any entry in the book of registry may apply to a court of law in term, or judge in vacation, who may order such entry to be varied or expunged.

XIV. And be it enacted, That if any person shall deem himself aggrieved by any entry made under colour of this Act in the said book of registry, it shall be lawful for such person to apply by motion to the Court of Queen's Bench, Court of Common Pleas, or Court of Exchequer, in term time, or to apply by summons to any judge of either such courts in vacation, for an order that such entry may be expunged or varied; and that upon any such application by motion or summons to either of the said courts, or to a judge as aforesaid, such court or judge shall make such order for expunging, varying, or confirming such entry, either with or without costs, as to such court or judge shall seem just; and the officer appointed by the Stationers' Company for the purposes of this Act shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same according to the requisition of such order.

Remedy for the piracy of books by action on the case.

XV. And be it enacted, That if any person shall, in any part of the British dominions, after the passing of this Act, print or cause to be printed, either for sale or exportation, any book in which there shall be subsisting copyright, without the consent in writing of the proprietor thereof, or shall import for sale or hire any such book, so having been unlawfully printed, from parts beyond the sea, or knowing such book to have been so unlawfully printed or imported, shall sell, publish, or expose to sale or hire, or cause to be sold, published, or exposed to sale or hire, or shall have in his possession, for sale or hire, any such book so unlawfully printed or imported, without such consent as aforesaid, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought in any court of record in that part of the British dominions in which the offence shall be committed: Provided always, that in Scotland such offender shall be liable to an action in the Court of Session in Scotland which shall and may be brought and prosecuted in the same manner in which any other action of damages to the like amount may be brought and prosecuted there.

In actions for piracy the defendant to give notice of the objections to the plaintiff's title on which he means to rely.

XVI. And be it enacted, That after the passing of this Act, in any action brought within the British dominions against any person for printing any such book for sale, hire, or exportation, or for importing, selling, publishing, or exposing to sale or hire, or causing to be imported, sold, published, or exposed to sale or hire, any such book, the defendant, on pleading thereto, shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action; and if the nature of his defence be, that the plaintiff in such action was

not the author or first publisher of the book in which he shall by such action claim copyright, or is not the proprietor of the copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the copyright therein, then the defendant shall specify in such notice the name of the person who he alleges to have been the author or first publisher of such book, or the proprietor of the copyright therein, together with the title of such book, and the time when and the place where such book was first published, otherwise the defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such copyright as aforesaid, or that he was not the proprietor of the copyright therein; and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objection stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the copyright therein, than the person specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time, and place of publication with the title, time, and place specified in such notice.

XVII. And be it enacted, That after the passing of this Act it shall not be lawful for any person, not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed or written or printed and published in any part of the said United Kingdom, wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions: and if any person, not being such proprietor or person authorized as aforesaid, shall import or bring, or cause to be imported or brought, for sale or hire, any such printed book, into any part of the British dominions, contrary to the true intent and meaning of this Act, or shall knowingly sell, publish, or expose to sale or let to hire, or have in his possession for sale or hire, any such book, then every such book shall be forfeited, and shall be seized by any officer of customs or excise, and the same shall be destroyed by such officer; and every person so offending, being duly convicted thereof before two justices of the peace for the county or place in which such book shall be found, shall also for every such offence forfeit the sum of ten pounds, and double the value of every copy of such book which he shall so import or cause to be imported into any part of the British dominions, or shall knowingly sell, publish, or expose to sale, or let to hire, or shall cause to be sold, published, or exposed to sale or let to hire, or shall have in his possession for sale or hire, contrary to the true intent and meaning of this Act; five pounds to the use of such officer of customs or excise, and the remainder of the penalty to the use of the proprietor of the copyright in such book.

No person except the proprietor, &c., shall import into the British dominions for sale or hire any book first composed, &c., within the United Kingdom, and reprinted elsewhere, under penalty of forfeiture thereof, and also of 10*l.* and double the value.

Books may be seized by officers of customs or excise.

As to the copyright in encyclopædias, periodicals, and works published in a series, reviews, or magazines.

XVIII. And be it enacted, That when any publisher or other person shall, before or at the time of the passing of this Act, have projected, conducted, and carried on, or shall hereafter project, conduct, and carry on, or be the proprietor of any encyclopædia, review, magazine, periodical work, or work published in a series of books or parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any volumes, parts, essays, articles, or portions thereof, for publication in or as part of the same, and such work, volumes, parts, essays, articles, or portions shall have been or shall hereafter be composed under such employment, on the terms that the copyright therein shall belong to such proprietor, projector, publisher, or conductor, and paid for by such proprietor, projector, publisher, or conductor, the copyright in every such encyclopædia, review, magazine, periodical work, and work published in a series of books or parts, and in every volume, part, essay, article, and portion so composed and paid for, shall be the property of such proprietor, projector, publisher, or other conductor, who shall enjoy the same rights as if he were the actual author thereof, and shall have such term of copyright therein as is given to the authors of books by this Act; except only that in the case of essays, articles, or portions forming part of and first published in reviews, magazines, or other periodical works of a like nature, after the term of twenty-eight years from the first publication thereof respectively the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act: Provided always, that during the term of twenty-eight years the said proprietor, projector, publisher, or conductor shall not publish any such essay, article, or portion separately or singly, without the consent previously obtained, of the author thereof, or his assigns: Provided, also, that nothing herein contained shall alter or affect the right of any person who shall have been or who shall be so employed as aforesaid to publish any such his composition in a separate form who by any contract, express or implied, may have reserved or may hereafter reserve to himself such right; but every author reserving, retaining, or having such right shall be entitled to the copyright in such composition when published in a separate form, according to this Act, without prejudice to the right of such proprietor, projector, publisher, or conductor as aforesaid.

Proviso for authors who have reserved the right of publishing their articles in a separate form.

Proprietors of encyclopædias, periodicals, and works published in a series, may enter at once at Stationers' Hall, and thereon have the benefit of

XIX. And be it enacted, That the proprietor of the copyright in any encyclopædia, review, magazine, periodical work, or other work published in a series of books or parts shall be entitled to all the benefits of the registration at Stationers' Hall under this Act, on entering in the said book of registry the title of such encyclopædia, review, periodical work, or other work, published in a series of books or parts, the time of the first publication of the first volume, number, or part thereof, or of the first number or volume first published after the passing of this Act in any such work which shall have been published heretofore,

and the name and place of abode of the proprietor thereof, and of the publisher thereof, when such publisher shall not also be the proprietor thereof. the registration of the whole.

XX. And whereas an Act was passed in the third year of the reign of His late Majesty, to amend the law relating to dramatic literary property, and it is expedient to extend the term of the sole liberty of representing dramatic pieces given by that Act to the full time by this Act provided for the continuance of copyright: And whereas it is expedient to extend to musical compositions the benefits of that Act, and also of this Act, be it therefore enacted, That the provisions of the said Act of His late Majesty, and of this Act, shall apply to musical compositions, and that the sole liberty of representing or performing, or causing or permitting to be represented or performed, any dramatic piece or musical composition, shall endure and be the property of the author thereof, and his assigns, for the term in this Act provided for the duration of copyright in books: and the provisions hereinbefore enacted in respect of the property of such copyright, and of registering the same, shall apply to the liberty of representing or performing any dramatic piece or musical composition, as if the same were herein expressly re-enacted and applied thereto, save and except that the first public representation or performance of any dramatic piece or musical composition shall be deemed equivalent, in the construction of this Act, to the first publication of any book: ✓ Provided always, that in case of any dramatic piece, or musical composition in manuscript, it shall be sufficient for the person having the sole liberty of representing or performing, or causing to be represented or performed, the same to register only the title thereof, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor thereof, and the time and place of its first representation or performance.

XXI. And be it enacted, That the person who shall at any time have the sole liberty of representing such dramatic piece or musical composition shall have and enjoy the remedies given and provided in the said Act of the third and fourth year of the reign of His late Majesty King William the Fourth passed to amend the laws relating to dramatic literary property, during the whole of his interest therein, as fully as if the same were re-enacted in this Act. Proprietors of right of dramatic representations shall have all the remedies given by 3 & 4 W. IV. c. 15.

XXII. And be it enacted, That no assignment of the copyright of any book consisting of or containing a dramatic piece or musical composition shall be holden to convey to the assignee the right of representing or performing such dramatic piece or musical composition, unless an entry in the said registry book shall be made of such assignment, wherein shall be expressed the intention of the parties that such right should pass by such assignment. Assignment of copyright of a dramatic piece not to convey the right of representation.

XXIII. And be it enacted, That all copies of any book wherein there shall be copyright, and of which entry shall have been made in the said registry book, and which shall have been unlawfully printed or imported Books pirated shall become the property of the

proprietor of the copyright, and may be recovered by action. without the consent of the registered proprietor of such copyright, in writing under his hand first obtained, shall be deemed to be the property of the proprietor of such copyright, and who shall be registered as such ; and such registered proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same, or damages for the detention thereof, in an action of detinue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action for trover.

No proprietor of copyright commencing after this Act shall sue or proceed for any infringement before making entry in the book of registry. XXIV. And be it enacted, That no proprietor of copyright in any book which shall be first published after the passing of this Act shall maintain any action or suit, at law or in equity, or any summary proceeding, in respect of any infringement of such copyright, unless he shall, before commencing such action, suit, or proceeding, have caused an entry to be made, in the book of registry of the Stationers' Company, of such book, pursuant to this Act: Provided always, that the omission to make such entry shall not affect the copyright in any book, but only the right to sue or proceed in respect of the infringement thereof, as aforesaid: Provided also, that nothing herein contained shall prejudice the remedies which the proprietor of the sole liberty of representing any dramatic piece shall have by virtue of the Act passed in the third year of the reign of His late Majesty King William the Fourth to amend the laws relating to dramatic literary property, or of this Act, although no entry shall be made in the book of registry aforesaid.

Proviso for dramatic pieces.

Copyright shall be personal property. XXV. And be it enacted, That all copyright shall be deemed personal property, and shall be transmissible by bequest, or, in case of intestacy, shall be subject to the same law of distribution as other personal property, and in Scotland shall be deemed to be personal and movable estate.

General issue. XXVI. And be it enacted, That if any action or suit shall be commenced or brought against any person or persons whomsoever for doing or causing to be done anything in pursuance of this Act, the defendant or defendants in such action may plead the general issue, and give the special matter in evidence ; and if upon such action a verdict shall be given for the defendant, or the plaintiff shall become nonsuited, or discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath ; and that all actions, suits, bills, indictments, or informations for any offence that shall be committed against this Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of none effect: provided that such limitation of time shall not extend or be construed to extend to any actions, suits, or other proceedings which under the authority of this Act shall or may be brought, sued, or commenced for or in respect of any copies of books to be delivered for the use of the British Museum, or of any one of the four libraries hereinbefore mentioned.

Limitation of actions ;

not to extend to actions, &c., in respect of the delivery of books.

XXVII. Provided always, and be it enacted, That nothing in this Act contained shall affect or alter the rights of the two universities of Oxford and Cambridge, the colleges or houses of learning within the same, the four universities in Scotland, the college of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, and the several colleges of Eton, Westminster, and Winchester in any copyrights heretofore and now vested or hereafter to be vested in such universities and colleges respectively, anything to the contrary herein contained notwithstanding.

Saving the rights of the universities, and the colleges of Eton, Westminster, and Winchester.

XXVIII. Provided also, and be it enacted, That nothing in this Act contained shall affect, alter, or vary any right subsisting at the time of passing this Act, except as herein expressly enacted; and all contracts, agreements, and obligations made and entered into before the passing of this Act, and all remedies relating thereto, shall remain in full force, anything herein contained to the contrary notwithstanding.

Saving all subsisting rights, contracts and engagements.

XXIX. And be it enacted, That this Act shall extend to the United Kingdom of Great Britain and Ireland, and to every part of the British dominions.

Extent of the Act.

XXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

Act may be amended this session.

SCHEDULE to which the preceding Acts refers.

No. 1.

FORM of MINUTE of CONSENT to be entered at Stationers' Hall.

We, the undersigned, *A.B.* of _____ the Author of a certain Book, intituled *F.Z.* [*or the personal Representative of the Author, as the case may be*], and *C.D.* of _____ do hereby certify, That we have consented and agree to accept the Benefits of the Act passed in the Fifth Year (*a*) of the Reign of Her Majesty Queen Victoria, Cap. _____, for the Extension of the Term of Copyright therein provided by the said Act, and hereby declare that such extended Term of Copyright therein is the Property of the said *A.B.* or *C.D.*

Dated this _____ day of _____ 18 _____.

(Signed) *A.B.*

Witness

C.D.

To the Registering Officer appointed by the Stationers' Company.

(*a*) Her Majesty's reign commenced on the 20th of June, 1837, and her royal consent was given to this Act on the 1st of July, 1842, consequently the Act was passed in the sixth year of the Queen, and should be so pleaded, or as having been passed "in the session held in the fifth and sixth years of her Majesty Queen Victoria"; *Ree v. Biers*, 3 Nev. & M. 475; *Gibbs v. Pike*, 8 Mee & W. 223. The Schedule was drawn in the fifth year of the Queen, and has not been corrected. It will be advisable in the minute of consent to state the year, by a reference to the session, which will include the words of the schedule. The form is inaccurate in another part by confining the date of consent to the last century. Note by Sweet to Bythewood and Jarman's Conveyancing, vol. vii. p. 618.

THE LAW OF COPYRIGHT.

No. 2.

FORM of REQUIRING ENTRY of PROPRIETORSHIP.

I, *A.B.* of _____, do hereby certify, That I am the Proprietor of the Copyright of a Book, intituled *Y.Z.*, and I hereby require you to make entry in the Register Book of the Stationers' Company of my Proprietorship of such Copyright, according to the Particulars underwritten.

Title of Book.	Name of Publisher and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.
<i>Y.Z.</i>		<i>A.B.</i>	

Dated this _____ day of _____ 18 . (Signed) *A.B.*
 Witness, *C.D.*

No. 3.

ORIGINAL ENTRY of PROPRIETORSHIP of COPYRIGHT of a BOOK.

Time of making the Entry.	Title of Book.	Name of the Publisher and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.
	<i>Y.Z.</i>	<i>A.B.</i>	<i>C.D.</i>	

No. 4.

FORM of CONCURRENCE of the PARTY assigning in any BOOK previously registered.

I, *A.B.* of _____, being the assigner of the Copyright of the Book hereunder described, do hereby require you to make entry of the Assignment of the Copyright therein.

Title of Book.	Assigner of the Copyright.	Assignee of Copyright.
<i>Y.Z.</i>	<i>A.B.</i>	<i>C.D.</i>

Dated this _____ day of _____ 18 . (Signed) *A.B.*

No. 5.

FORM of ENTRY of ASSIGNMENT of COPYRIGHT in any BOOK previously registered.

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of Copyright.
	[Set out the Title of the Book, and refer to the Page of the Registry Book in which the original Entry of the Copyright thereof is made.]	A.B.	C.D.

5 & 6 VICT. c. 47 (1842).

An Act to amend the Laws relating to the Customs.

Repealed by 7 & 8 Vict. c. 73.

5 & 6 VICT. c. 100.

An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.

[10th August, 1842.]

Repealed by the Patents, Designs, and Trade Marks Act, 1883.

6 & 7 VICT. c. 65.

An Act to amend the Laws relating to the Copyright of Designs.

[22nd August, 1843.]

Repealed by the Patents, Designs, and Trade Marks Act, 1883.

6 & 7 VICT. c. 68. ¹⁰

An Act for regulating Theatres.

[22nd August, 1843.]

WHEREAS it is expedient that the laws now in force for regulating theatres and theatrical performances be repealed and other provisions be enacted in their stead: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this same Parliament assembled, and

Repeal of 3 by the authority of the same, That an Act passed in the third year of
 Jac. I. c. 21. the reign of King James the First, intituled an Act to restrain the
 abuses of players; and so much of an Act passed in the tenth year of
 Part of 10 the reign of King George the Second for the more effectual preventing
 G. II. c. 19. the unlawful playing of interludes within the precincts of the two
 universities in that part of Great Britain called England, and the places
 adjacent, as is now in force; and another Act passed in the tenth year
 10 G. II. c. 28. of the reign of King George the Second, intituled an Act to explain and
 amend so much of an Act made in the twelfth year of the reign of
 Queen Anne, intituled "An Act for reducing the Laws relating to
 Rogues, Vagabonds, Sturdy Beggars, and Vagrants into one Act of
 Parliament, and for the more effectual punishment of such Rogues,
 Vagabonds, Sturdy Beggars, and Vagrants, and sending them whither
 they ought to be sent," as relates to common players or interludes; and
 28 G. III. c. 30. another Act passed in the twenty-eighth year of the reign of King
 George the Third, intituled an Act to enable Justices of the Peace to
 license theatrical representations occasionally, under the restrictions
 therein contained, shall be repealed: Provided always, that any licence
 now in force granted by the Lord Chamberlain, or granted by any justices
 of the peace under the provisions of the last-recited Act, shall con-
 tinue in force for the times for which the same were severally granted,
 or until revoked by the authority by which they were severally granted.

All theatres for the performance of plays must be licensed.
 II. And be it enacted, That, except as aforesaid, it shall not be
 lawful for any person to have or keep any house or other place of
 public resort in Great Britain, for the public performance of stage
 plays, without authority by virtue of letters patent from Her Majesty,
 her heirs and successors, or predecessors, or without licence from the
 Lord Chamberlain of Her Majesty's household for the time being, or
 from the justices of the peace as hereinafter provided; and every per-
 son who shall offend against this enactment shall be liable to forfeit
 such sum as shall be awarded by the court in which or the justices by
 whom he shall be convicted, not exceeding twenty pounds for every day
 on which such house or place shall have been so kept open by him for
 the purpose aforesaid, without legal authority.

What licences shall be granted by the Lord Chamberlain.
 III. And be it enacted, That the authority of the Lord Chamberlain
 for granting licences shall extend to all theatres (not being patent
 theatres) within the parliamentary boundaries of the cities of London
 and Westminster, and of the boroughs of Finsbury and Marylebone,
 the Tower Hamlets, Lambeth, and Southwark, and also within those
 places where Her Majesty, her heirs and successors, shall, in their royal
 persons, occasionally reside: Provided always, that, except within the
 cities and boroughs aforesaid, and the boroughs of New Windsor in the
 county of Berks, and Brightelmstone in the county of Sussex, licences
 for theatres may be granted by the justices as hereinafter provided, in
 those places in which Her Majesty, her heirs and successors, shall
 occasionally reside; but such licences shall not be in force during the

residence there of Her Majesty, her heirs and successors; and during such residence it shall not be lawful to open such theatres as last aforesaid (not being patent theatres) without the licence of the Lord Chamberlain.

And be it enacted, That for every such licence granted by the Lord Chamberlain, a fee, not exceeding ten shillings for each calendar month during which the theatre is licensed to be kept open, according to such scale of fees as shall be fixed by the Lord Chamberlain, shall be paid to the Lord Chamberlain. Fee for Lord Chamberlain's licence.

V. And be it enacted, That the justices of the peace within every county, riding, division, liberty, cinque port, city, and borough in Great Britain beyond the limits of the authority of the Lord Chamberlain, in which application shall have been made to them for any such licence as is hereinafter mentioned, shall, within twenty-one days next after such application shall have been made to them in writing signed by the party making the same, and countersigned by at least two justices acting in and for the division within which the property proposed to be licensed shall be situate, and delivered to the clerk to the said justices, hold a special session in the division, district, or place for which they usually act, for granting licences to houses for the performance of stage plays, of the holding of which session seven days' notice shall be given by their clerk to each of the justices acting within such division, district, or place; and every such licence shall be given under the hands and seals of four or more of the justices assembled at such special session, and shall be signed and sealed in open court, and afterwards shall be publicly read by the clerk, with the names of the justices subscribing the same. Licences may be granted by justices.

VI. And be it enacted, That for every such licence granted by the justices a fee, not exceeding five shillings for each calendar month during which the theatre is licensed to be kept open, according to such scale of fees as shall be fixed by the justices, shall be paid to the clerk of the said justices. Fee for justices licence.

VII. And be it enacted, That no such licence for a theatre shall be granted by the Lord Chamberlain or justices to any person except the actual and responsible manager for the time being of the theatre in respect of which the licence shall be granted: and the name and place of abode of such manager shall be printed on every play bill announcing any representation at such theatre; and such manager shall become bound himself in such penal sum as the Lord Chamberlain or justices shall require, being in no case more than five hundred pounds, and two sufficient sureties, to be approved by the said Lord Chamberlain or justices, each in such penal sum as the Lord Chamberlain or justices shall require, being in no case more than one hundred pounds, for the due observance of the rules which shall be in force at any time during the currency of the licence for the regulation of such theatre, and for securing payment of the penalties which such manager may be adjudged To whom licences shall be granted.

to pay for breach of the said rules, or any of the provisions of this Act.

Rules for the theatres under the control of the Lord Chamberlain.

VIII. And be it enacted, That in case it shall appear to the Lord Chamberlain that any riot or misbehaviour has taken place in any theatre licensed by him, or in any patent theatre, it shall be lawful for him to suspend such licence or to order such patent theatre to be closed for such time as to him shall seem fit; and it shall also be lawful for the Lord Chamberlain to order that any patent theatre or any theatre licensed by him shall be closed on such public occasions as to the Lord Chamberlain shall seem fit; and while any such licence shall be suspended, or any such order shall be in force, the theatre to which the same applies shall not be entitled to the privilege of any letters patent or licence, but shall be deemed an unlicensed house.

Rules for enforcing order in the theatres licensed by the justices.

IX. And be it enacted, That the said justices of the peace at a special licensing session, or at some adjournment thereof, shall make suitable rules for ensuring order and decency at the several theatres licensed by them within their jurisdiction, and by regulating the times during which they shall severally be allowed to be open, and from time to time, at another special session, of which notice shall be given as aforesaid, may rescind or alter such rules: and it shall be lawful for any one of Her Majesty's principal secretaries of state to rescind or alter any such rules, and also to make such other rules for the like purpose, as to him shall seem fit; and a copy of all rules which shall be in force for the time being shall be annexed to every such licence; and in case any riot or breach of the said rules in any such theatre shall be proved on oath before any two justices usually acting in the jurisdiction where such theatre is situated, it shall be lawful for them to order that the same may be closed for such time as to the said justices shall seem fit; and while such order shall be in force the theatre so ordered to be closed shall be deemed an unlicensed house.

Proviso for the Universities of Oxford and Cambridge.

X. Provided always, and be it enacted, That no such licence shall be in force within the precincts of the Universities of Oxford or Cambridge, or within fourteen miles of the city of Oxford or town of Cambridge, without the consent of the Chancellor or Vice-Chancellor of each of the said Universities respectively; and that the rules for the management of any theatre which shall be licensed with such consent within the limits aforesaid shall be subject to the approval of the said Chancellor or Vice-Chancellor respectively; and in case of the breach of any of the said rules or of any condition on which the consent of the Chancellor or Vice-Chancellor to grant any such licence shall have been given it shall be lawful for such Chancellor or Vice-Chancellor respectively to annul the licence, and thereupon such licence shall become void.

Penalty on persons performing in unlicensed places.

XI. And be it enacted, That every person who for hire shall act or present, or cause, permit, or suffer to be acted or presented, any part in any stage play, in any place not being a patent theatre or duly licensed as a theatre, shall forfeit such sum as shall be awarded by the court in

which or the justices by whom he shall be convicted, not exceeding ten pounds for every day on which he shall so offend.

XII. And be it enacted, That one copy of every new stage play and No new plays of every new act, scene, or other part added to any old stage play, and or additions to old ones to be acted until submitted to the Lord Chamberlain. of every new prologue or epilogue, and of every new part added to an old prologue or epilogue intended to be produced and acted for hire at any theatre in Great Britain, shall be sent to the Lord Chamberlain of Her Majesty's household for the time being, seven days at least before the first acting or presenting thereof, with an account of the theatre where and the time when the same is intended to be first acted or presented, signed by the master or manager, or one of the masters or managers, of such theatre; and during the said seven days no person shall for hire act or present the same, or cause the same to be acted or presented; and in case the Lord Chamberlain, either before or after the expiration of the said period of seven days, shall disallow any play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, it shall not be lawful for any person to act or present the same, or cause the same to be acted or presented, contrary to such disallowance.

XIII. And be it enacted, That it shall be lawful for the Lord Chamberlain to charge such fees for the examination of the plays, prologues, and epilogues, or parts thereof, which shall be sent to him for examination, as to him from time to time shall seem fit, according to a scale which shall be fixed by him, such fee not being in any case more than two guineas, and such fee shall be paid at the time when such plays, prologues, and epilogues, or parts thereof, shall be sent to the Lord Chamberlain; and the said period of seven days shall not begin to run in any case until the said fee shall have been paid to the Lord Chamberlain, or to some officer deputed by him to receive the same.

XIV. And be it enacted, That it shall be lawful for the Lord Chamberlain for the time being, whenever he shall be of opinion that it is fitting for the preservation of good manners, decorum, or of the public peace so to do, to forbid the acting or presenting any stage play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, anywhere in Great Britain, or in such theatres as he shall specify, and either absolutely or for such time as he shall think fit.

XV. And be it enacted, That every person who for hire shall act or present, or cause to be acted or presented, any new stage play, or any act, scene, or part thereof, or any new prologue or epilogue, or any part thereof, until the same shall have been allowed by the Lord Chamberlain, or which shall have been disallowed by him, and also every person who for hire shall act or present, or cause to be acted or presented any stage play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, contrary to such prohibition as aforesaid, shall for every such offence forfeit such sum as shall be awarded by the Court in which or the justices by whom he shall be convicted, not exceeding the sum of fifty pounds; and every licence (in case there be any such)

by or under which the theatre was opened, in which such offence shall have been committed, shall become absolutely void.

What shall be evidence of acting for hire.

XVI. And be it enacted, That in every case in which any money or other reward shall be taken or charged, directly or indirectly, or in which the purchase of any article is made a condition for the admission of any person into any theatre to see any stage play, and also in every case in which any stage play shall be acted or presented in any house, room, or place in which distilled or fermented excisable liquor shall be sold, every actor therein shall be deemed to be acting for hire.

Proof of licence in certain cases to lie on the party accused.

XVII. And be it enacted, That in any proceedings to be instituted against any person for having or keeping an unlicensed theatre, or for acting for hire in an unlicensed theatre, if it shall be proved that such theatre is used for the public performance of stage plays, the burden of proof that such theatre is duly licensed or authorized shall lie on the party accused, and until the contrary shall be proved such theatre shall be taken to be unlicensed.

Proceedings begun before the passing of this Act may be discontinued.

XVIII. And be it enacted, That after the passing of this Act it shall be lawful for any person against whom any action or information shall have been commenced, for the recovery of any forfeiture or pecuniary penalty incurred under the said Act of the tenth year of the reign of King George the Second, to apply to the court in which such action or information shall have been commenced, if such court shall be sitting, or if such court shall not be sitting to any judge of either of the superior courts at Westminster, for an order that such action or information shall be discontinued, upon payment of the costs thereof incurred at the time of such application being made, such costs to be taxed according to the practice of such court; and every such court or judge (as the case may be), upon such application, and proof that sufficient notice has been given to the plaintiff or informer, or to his attorney, of the application, shall make such order as aforesaid; and upon the making such order, and payment or tender of such costs as aforesaid, such action or information shall be forthwith discontinued.

Penalties, how to be recoverable.

XIX. And be it enacted, That all the pecuniary penalties imposed by this Act for offences committed in England may be recovered in any of Her Majesty's courts of record at Westminster, and for offences committed in Scotland by action or summary complaint before the Court of Sessions or judiciary there, or for offences committed in any part of Great Britain in a summary way before two justices of the peace for any county, riding, division, liberty, city, or borough where any such offence shall be committed, by the oath or oaths of one or more credible witness or witnesses, or by the confession of the offender, and in default of payment of such penalty together with the costs, the same may be levied by distress and sale of the offender's goods and chattels, rendering the overplus to such offender, if any there be above the penalty, costs, and charge of distress; and for want of sufficient distress the offender may be imprisoned in the common gaol or house of

correction of any such county, riding, division, liberty, city, or borough for any time not exceeding six calendar months.

XX. And be it enacted, That it shall be lawful for any person who shall think himself aggrieved by any order of such justices of the peace to appeal therefrom to the next general or quarter session of the peace to be holden for the said county, riding, division, liberty, city, or borough, whose order therein shall be final.

XXI. And be it enacted, That the said penalties for any offence against this Act shall be paid and applied in the first instance toward defraying the expenses incurred by the prosecutor, and the residue thereof (if any) shall be paid to the use of Her Majesty, her heirs and successors.

Appropriation of penalties.

XXII. Provided always, and be it enacted, That no person shall be liable to be prosecuted for any offence against this Act unless such prosecution shall be commenced within six calendar months after the offence committed.

Limitation of actions.

XXIII. And be it enacted, That in this Act the words "stage play" shall be taken to include every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, or other entertainment of the stage, or any part thereof: provided always, that nothing herein contained shall be construed to apply to any theatrical representation in any booth or show which by the justices of the peace, or other persons having authority in that behalf, shall be allowed in any lawful fair, feast, or customary meeting of the like kind.

Interpretation of Act.

XXIV. And be it enacted, That this Act shall extend only to *Great Britain*.

Limits of the Act.

XXV. And be it enacted, that this Act may be amended or repealed by any Act to be passed in this session of Parliament.

Act may be amended this session.

7 & 8 VICT. C. 12.

An Act to amend the Law relating to International Copyright.

[10th May, 1844.]

WHEREAS by an Act passed in the session of Parliament held in the first and second years of the reign of Her present Majesty, intituled "An Act for securing to Authors in certain Cases the Benefit of International Copyright" (and which Act is hereinafter, for the sake of perspicuity, designated as "The International Copyright Act"), Her Majesty was empowered by Order in Council to direct that the authors of books which should after a future time, to be specified in such Order in Council, be published in any foreign country, to be specified in such Order in Council, and their executors, administrators, and assigns, should have the sole liberty of printing and reprinting such books within the British dominions for such term as Her Majesty should by such Order in Council direct, not exceeding the term which authors,

1 & 2 Vict. c. 59.

being British subjects, were then (that is to say, at the time of passing the said Act), entitled to in respect of books first published in the United Kingdom; and the said Act contains divers enactments securing to authors and their representatives the copyright in the books to which any such Order in Council should extend: And whereas an Act was passed in the session of Parliament held in the fifth and sixth years of the reign of Her present Majesty, intituled "An Act to amend the Law of Copyright" (and which Act is hereinafter, for the sake of perspicuity, designated as "The Copyright Amendment Act") repealing various Acts therein mentioned relating to the copyright of printed books, and extending, defining, and securing to authors and their representatives the copyright of books; And whereas an Act was passed in the session of Parliament held in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled "An Act to amend the Laws relating to Dramatic Literary Property" (and which Act is hereinafter, for the sake of perspicuity, designated as "The Dramatic Literary Property Act"), whereby the sole liberty of representing or causing to be represented any dramatic piece in any place of dramatic entertainment in any part of the British dominions, which should be composed and not printed or published by the author thereof or his assignee, was secured to such author or his assignee; and by the said Act it was enacted that the author of any such production which should thereafter be printed and published, or his assignee, should have the like sole liberty of representation until the end of twenty-eight years from the first publication thereof: And whereas by the said "Copyright Amendment Act" the provisions of the said "Dramatic Literary Property Act" and of the said "Copyright Amendment Act" were made applicable to musical compositions; and it was thereby also enacted, that the sole liberty of representing or performing, or causing or permitting to be represented or performed, in any part of the British dominions, any dramatic piece or musical composition, should endure and be the property of the author thereof and his assigns for the term in the said "Copyright Amendment Act" provided for the duration of the copyright in books, and that the provisions therein enacted in respect of the property of such copyright should apply to the liberty of representing or performing any dramatic piece or musical composition: And whereas under or by virtue of the four several Acts next hereinafter mentioned (that is to say), an Act passed in the eighth year of the reign of His late Majesty King George the Second, intituled "An Act for the Encouragement of the Arts of designing, engraving, and etching historical and other Prints by vesting the Properties thereof in the Inventors or Engravers during the Time therein mentioned;" an Act passed in the seventh year of His late Majesty King George the Third, intituled "An Act to amend and render more effectual an Act made in the Eighth Year of the Reign of King George the Second, for Encouragement of the Arts of

5 & 6 Vict.
c. 15.

3 & 4 W. IV.
c. 15.

8 G. II. c. 13.

7 G. III. c. 38.

designing, engraving, and etching historical and other Prints; and for vesting in and securing to Jane Hogarth, Widow, the Property in certain Prints"; an Act passed in the seventeenth year of the reign of His late Majesty King George the Third, intituled "An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases"; and an Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, intituled "An Act to extend the Protection of Copyright in Prints and Engravings to Ireland"; (and which said four several Acts are hereinafter, for the sake of perspicuity, designated as "The Engraving Copyright Acts"); every person who invents or designs, engraves, etches, or works in mezzotinto or chiaro-oscuro, or from his own work, design, or invention causes or procures to be designed, engraved, etched, or worked in mezzotinto or chiaro-oscuro any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, and every person who engraves, etches, or works in mezzotinto or chiaro-oscuro, or causes to be engraved, etched, or worked, any print taken from any picture, drawing, model, or sculpture, either ancient or modern, notwithstanding such print shall not have been graven or drawn from the original design of such graver, etcher, or draftsman, is entitled to the copyright of such print for the term of twenty-eight years from the first publishing thereof; and by the said several Engraving Copyright Acts it is provided that the name of the proprietor shall be truly engraved on each plate, and printed on every such print, and remedies are provided for the infringement of such copyright: And whereas under and by virtue of an Act passed in the thirty-eighth year of the reign of His late Majesty King George the Third, intituled "An Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned"; and of an Act passed in the fifty-fourth year of the reign of His late Majesty King George the Third, intituled "An Act to amend and render more effectual an Act of His present Majesty, for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned, and for giving further Encouragement to such Arts" (and which said Acts are, for the sake of perspicuity, hereinafter designated as "The Sculpture Copyright Acts"), every person who makes or causes to be made any new and original sculpture, or model or copy or cast of the human figure, any bust or part of the human figure clothed in drapery or otherwise, any animal or part of any animal combined with the human figure or otherwise, any subject, being matter of invention in sculpture, any alto or basso-relievo, representing any of the matters aforesaid or any cast from nature of the human figure or part thereof, or of any animal or part thereof, or of any such subject representing any of the matters aforesaid, whether separate or

combined, is entitled to the copyright in such new and original sculpture, model, copy, and cast, for fourteen years from first putting forth and publishing the same, and for an additional period of fourteen years in case the original maker is living at the end of the first period; and by the said Acts it is provided that the name of the proprietor, with the date of the publication thereof, is to be put on all such sculptures, models, copies, and casts, and remedies are provided for the infringement of such copyright: And whereas the powers vested in Her Majesty by the said "International Copyright Act" are insufficient to enable Her Majesty to confer upon authors of books first published in foreign countries copyright of the like duration, and with the like remedies for the infringement thereof, which are conferred and provided by the said "Copyright Amendment Act" with respect to authors of books first published in the British dominions; and the said "International Copyright Act" does not empower Her Majesty to confer any exclusive right of representing or performing dramatic pieces or musical compositions first published in foreign countries upon the authors thereof, nor to extend the privilege of copyright to prints and sculpture first published abroad; and it is expedient to invest increased powers in Her Majesty in this respect, and for that purpose to repeal the said "International Copyright Act," and to give such other powers to Her Majesty, and to make such further provisions, as are hereinafter contained: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said recited Act herein designated as the "International Copyright Act" shall be and the same is hereby repealed.

Repeal of International Copyright Act.

Her Majesty, by Order in Council, may direct that authors, &c., of works first published in foreign countries shall have copyright therein within Her Majesty's dominions.

II. And be it enacted, That it shall be lawful for Her Majesty, by any Order of Her Majesty in Council, to direct that, as respects all or any particular class or classes of the following works (namely), books, prints, articles of sculpture, and other works of art, to be defined in such order, which shall after a future time, to be specified in such order, be first published in any foreign country to be named in such order, the authors, inventors, designers, engravers, and makers thereof respectively, their respective executors, administrators, and assigns, shall have the privilege of copyright therein during such period or respective periods as shall be defined in such order, not exceeding, however, as to any of the above-mentioned works, the term of copyright which authors, inventors, designers, engravers, and makers of the like works respectively first published in the United Kingdom may be then entitled to under the hereinbefore recited Acts respectively, or under any Acts which may hereafter be passed in that behalf.

If the order applies to books, the copyright law

III. And be it enacted, That in case any such order shall apply to books, all and singular the enactments of the said "Copyright Amendment Act," and of any other Act for the time being in force with

relation to the copyright in books first published in this country, shall, from and after the time so to be specified in that behalf in such order, and subject to such limitation as to the duration of the copyright as shall be therein contained, apply to and be in force in respect of the books to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such books were first published in the United Kingdom, save and except such of the said enactments, or such parts thereof, as shall be excepted in such order, and save and except such of the said enactments as relate to the delivery of copies of books at the British Museum, and to or for the use of the other libraries mentioned in the said "Copyright Amendment Act."

IV. And be it enacted, That in case any such order shall apply to prints, articles of sculpture, or to any such other works of art as aforesaid, all and singular the enactments of the said "Engraving Copyright Acts," and the said "Sculpture Copyright Acts," or of any other Act for the time being in force with relation to the copyright in prints or articles of sculpture first published in this country, and of any Act for the time being in force with relation to the copyright in any similar works of art first published in this country, shall, from and after the time so to be specified in that behalf in such order, and subject to such limitation as to the duration of the copyright as shall be therein contained respectively, apply to and be in force in respect of the prints, articles of sculpture, and other works of art to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such articles and other works of art were first published in the United Kingdom, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

V. And be it enacted, That it shall be lawful for Her Majesty, by any Order of Her Majesty in Council, to direct that the authors of dramatic pieces and musical compositions which shall after a future time, to be specified in such order, be first publicly represented or performed in any foreign country to be named in such order, shall have the sole liberty of representing or performing in any part of the British dominions such dramatic pieces or musical compositions during such period as shall be defined in such order, not exceeding the period during which authors of dramatic pieces and musical compositions first publicly represented or performed in the United Kingdom may for the time be entitled by law to the sole liberty of representing and performing the same; and from and after the time so specified in any such last-mentioned order the enactments of the said "Dramatic Literary Property Act," and of the said "Copyright Amendment Act," and of any other Act for the time being in force with relation to the liberty of publicly representing and performing dramatic pieces or musical compositions, shall, subject to such limitation as to the duration of the right conferred by any such order as shall be therein contained, apply to and be in force in respect of the dramatic pieces and musical

as to books first published in this country shall apply to the books to which the order relates, with certain exceptions.

If the order applies to prints, sculptures, &c., the copyright law as to prints or sculptures first published in this country shall apply to the prints, sculptures, &c., to which such order relates.

Her Majesty may, by Order in Council, direct that authors and composers of dramatic pieces and musical compositions first publicly represented and performed in foreign countries shall have similar rights in the British dominions.

compositions to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such dramatic pieces and musical compositions had been first publicly represented and performed in the British dominions, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

Particulars to be observed as to registry and to delivery of copies.

VI. Provided always, and be it enacted, That no author of any book, dramatic piece or musical composition, or his executors, administrators, or assigns, and no inventor, designer, or engraver of any print, or maker of any article of sculpture, or other work of art, his executors, administrators, or assigns, shall be entitled to the benefit of this Act, or of any Order in Council to be issued in pursuance thereof, unless, within a time or times to be in that behalf prescribed in each such Order in Council, such book, dramatic piece, musical composition, print, article of sculpture, or other work of art, shall have been so registered, and such copy thereof shall have been so delivered as hereinafter is mentioned; (that is to say), as regards such book, and also such dramatic piece or musical composition (in the event of the same having been printed), the title to the copy thereof, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the copyright thereof, the time and place of the first publication, representation, or performance thereof, as the case may be, in the foreign country named in the Order in Council under which the benefits of this Act shall be claimed, shall be entered in the register book of the Company of Stationers in London, and one printed copy of the whole of such book, and of such dramatic piece or musical composition in the event of the same having been printed, and of every volume thereof, upon the best paper upon which the largest number or impression of the book, dramatic piece, or musical composition shall have been printed for sale, together with all maps and prints relating thereto, shall be delivered to the officer of the Company of Stationers at the hall of the said company; and as regards dramatic pieces and musical compositions in manuscript, the title to the same, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the right of representing or performing the same, and the time and place of the first representation or performance thereof in the country named in the Order of Council under which the benefit of the Act shall be claimed, shall be entered in the said register book of the said Company of Stationers in London; and as regards prints, the title thereof, the name and place of abode of the inventor, designer, or engraver thereof, the name of the proprietor of the copyright therein, and the time and place of the first publication thereof in the foreign country named in the Order in Council under which the benefits of the Act shall be claimed, shall be entered in the said register book of the said Company of Stationers in London, and a copy of such print, upon the best paper upon which the largest number

of impressions of the print shall have been printed for sale, shall be delivered to the officer of the Company of Stationers at the hall of the said company; and as regards any such article of sculpture or any such other work of art as aforesaid, a descriptive title thereof, the name and place of abode of the maker thereof, the name of the proprietor of the copyright therein, and the time and place of its first publication in the foreign country named in the Order in Council under which the benefit of this Act shall be claimed, shall be entered in the said register book of the said Company of Stationers in London; and the officer of the said Company of Stationers receiving such copies so to be delivered as aforesaid shall give a receipt in writing for the same, and such delivery shall to all intents and purposes be a sufficient delivery under the provisions of this Act.

VII. Provided always, and be it enacted, That if a book be published anonymously, it shall be sufficient to insert in the entry thereof in such register book the name and place of abode of the first publisher thereof, instead of the name and place of abode of the author thereof, together with a declaration that such entry is made either on behalf of the author or on behalf of such first publisher, as the case may require.

VIII. And be it enacted, That the several enactments in the said "Copyright Amendment Act" contained with relation to keeping the said register book, and the inspection thereof, the searches therein, and the delivery of certified and stamped copies thereof, the reception of such copies in evidence, the making of false entries in the said book, and the production in evidence of papers falsely purporting to be copies of entries in the said book, the applications to the courts and judges by persons aggrieved by entries in the said book, and the expunging and varying such entries, shall apply to the books, dramatic pieces, and musical compositions, prints, articles of sculpture, and other works of art, to which any Order in Council issued in pursuance of this Act shall extend, and to the entries and assignments of copyright and proprietorship therein, in such and the same manner as if such enactments were here expressly enacted in relation thereto, save and except that the forms of entry prescribed by the said "Copyright Amendment Act" may be varied to meet the circumstance of the case, and that the sum to be demanded by the officer of the said Company of Stationers for making any entry required by this Act shall be one shilling only.

IX. And be it enacted, That every entry made in pursuance of this Act of a first publication shall be *prima facie* proof of a rightful first publication; but if there be a wrongful first publication, and any party have availed himself thereof to obtain an entry of a spurious work, no order for expunging or varying such entry shall be made unless it be proved to the satisfaction of the court or of the judge taking cognizance of the application for expunging or varying such entry, first, with respect to a wrongful publication in a country to which the author or first publisher does not belong, and in regard to which there does not

In case of books published anonymously, the name of the publisher to be sufficient.

The provisions of the Copyright Amendment Act as regards entries in the register book of the Company of Stationers, &c., to apply to entries under this Act.

As to expunging or varying entry grounded in wrongful first publication.

subsist with this country any treaty of international copyright, that the party making the application was the author or first publisher, as the case requires; second, with respect to a wrongful first publication either in the country where a rightful first publication has taken place, or in regard to which there subsists with this country a treaty of international copyright, that a court of competent jurisdiction in any such country where such wrongful first publication has taken place has given judgment in favour of the right of the party claiming to be the author or first publisher.

Copies of books wherein copyright is subsisting under this Act printed in foreign countries other than those wherein the book was first published prohibited to be imported.

X. And be it enacted, That all copies of books wherein there shall be any subsisting copyright under or by virtue of this Act, or of any Order in Council made in pursuance thereof, printed or reprinted in any foreign country except that in which such books were first published, shall be and the same are hereby absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the registered proprietor of the copyright thereof, or his agent authorized in writing, and if imported contrary to this prohibition the same and the importers thereof shall be subject to the enactments in force relating to goods prohibited to be imported by any Act relating to the customs; and as respects any such copies so prohibited to be imported, and also as respects any copies unlawfully printed in any place whatsoever of any books wherein there shall be any such subsisting copyright as aforesaid, any person who shall in any part of the British dominions import such prohibited or unlawfully printed copies, or who, knowing such copies to be so unlawfully imported or unlawfully printed, shall sell, publish, or expose to sale or hire, or shall cause to be sold, published, or exposed to sale or hire, or have in his possession for sale or hire, any such copies so unlawfully imported or unlawfully printed, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought and prosecuted in the same courts and in the same manner, and with the like restrictions upon the proceedings of the defendant, as are respectively prescribed in the said "Copyright Amendment Act" with relation to actions thereby authorized to be brought by proprietors of copyright against persons importing or selling books unlawfully printed in the British dominions.

Officer of Stationers' Company to deposit books, &c., in the British Museum.

XI. And be it enacted, That the said officer of the said Company of Stationers shall receive at the hall of the said Company every book, volume, or print so to be delivered as aforesaid, and within one calendar month after receiving such book, volume, or print, shall deposit the same in the library of the British Museum.

Second or subsequent editions.

XII. Provided always, and be it enacted, that it shall not be requisite to deliver to the said officer of the said Stationers' Company any printed copy of the second or of any subsequent edition of any book or books so delivered as aforesaid, unless the same shall contain additions or alterations.

XIII. And be it enacted, That the respective terms to be specified by such Orders in Council respectively for the continuance of the privilege to be granted in respect of works to be first published in foreign countries may be different for works first published in different foreign countries and for different classes of such works; and that the times to be prescribed for the entries to be made in the register book of the Stationers' Company, and for the deliveries of the books and other articles to the said officer of the Stationers' Company, as hereinbefore is mentioned, may be different for different foreign countries and for different classes of books or other articles.

XIV. Provided always, and be it enacted, That no such order in Council shall have any effect unless it shall be therein stated, as the ground for issuing the same, that due protection has been secured by the foreign power so named in such Order in Council for the benefit of parties interested in works first published in the dominions of Her Majesty similar to those comprised in such order (a).

XV. And be it enacted, That every Order in Council to be made under the authority of this Act shall as soon as may be after the making thereof by Her Majesty in Council be published in the 'London Gazette,' and from the time of such publication shall have the same effect as if every part thereof were included in this Act.

XVI. And be it enacted, That a copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within six weeks after issuing the same, if Parliament then be sitting, and if not, then within six weeks after the commencement of the then next session of Parliament.

XVII. And be it enacted, That it shall be lawful for Her Majesty by an Order in Council from time to time to revoke or alter any Order in Council previously made under the authority of this Act, but nevertheless without prejudice to any rights acquired previously to such revocation or alteration (b).

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to prevent the printing, publication, or sale of any translation of any book the author whereof and his assigns may be entitled to the benefit of this Act (c).

XIX. And be it enacted, That neither the author of any book, nor the author or composer of any dramatic piece or musical composition, nor the inventor, designer, or engraver of any print, nor the maker of any article of sculpture, or of such other work of art as aforesaid, which shall after the passing of this Act be first published out of Her Majesty's dominions, shall have any copyright therein respectively, or any exclusive right to the public representation or performance thereof,

(a) Repealed by International Copyright Act, 1886.

(b) *Ibid.*

(c) This section is repealed so far as it is inconsistent with the provisions contained in 15 & 16 Vict. c. 12, and wholly repealed by International Copyright Act, 1886.

otherwise than such (if any) as he may become entitled to under this Act.

Interpreta-
tion clause.

XX. And be it enacted, That in the construction of this Act the word "book" shall be construed to include "volume," "pamphlet," "sheet of letter-press," "sheet of music," "map," "chart," or "plan"; and the expression "articles of sculpture" shall mean all such sculptures, models, copies, and casts as are described in the said Sculpture Copyright Acts, and in respect of which the privileges of copyright are thereby conferred; and the words "printing" and "re-printing" shall include engraving and any other method of multiplying copies; and the expression "Her Majesty" shall include the heirs and successors of Her Majesty; and the expressions "Order of Her Majesty in Council," "Order in Council," and "Order," shall respectively mean Order of Her Majesty acting by and with the advice of Her Majesty's most honourable Privy Council; and the expression "officer of the Company of Stationers" shall mean the officer appointed by the said Company of Stationers for the purposes of the said Copyright Amendment Act; and in describing any persons or things any word importing the plural number shall mean also one person or thing, and any word importing the singular number shall include several persons or things, and any word importing the masculine shall include also the feminine gender; unless in any of such cases there shall be something in the subject or context repugnant to such construction.

Act may be
repealed this
session.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

7 & 8 VICT. c. 73 (1844).

An Act to reduce, under certain Circumstances, the Duties payable upon Books and Engravings.

Repealed by 9 & 10 Vict. c. 58, s. 1.

8 & 9 VICT. c. 93 (1845).

An Act to regulate the Trade of British Possessions abroad.

Repealed by 16 & 17 Vict. c. 100, s. 358.

9 & 10 VICT. c. 58 (1846).

An Act to amend an Act of the seventh and eighth Years of Her present Majesty for reducing, under certain Circumstances, the Duties payable upon Books and Engravings.

Repealed by 24 & 25 Vict. c. 101.

10 & 11 VICT. C. 95.

An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom (a).

[22nd July, 1847.]

WHEREAS by an Act passed in the session of Parliament holden in the fifth and sixth years of Her present Majesty, intituled "An Act to amend the Law of Copyright," it is amongst other things enacted, that it shall not be lawful for any person not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed or written or printed or published in any part of the United Kingdom wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions: And whereas by an Act passed in the session of Parliament holden in the eighth and ninth years of the reign of Her present Majesty, intituled "An Act to regulate the trade of the British possessions abroad," books wherein the copyright is subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad: And whereas by the said last-recited Act it is enacted, that all laws, by-laws, usages, or customs in practice, or endeavoured or pretended to be in force or practice in any of the British possessions in America, which are in anywise repugnant to the said Act or to any Act of Parliament made or to be made in the United Kingdom, so far as such Act shall relate to and mention the said possessions, are and shall be null and void to all intents and purposes whatsoever: Now be it enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in case the legislature or proper legislative authorities in any British possession shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act or make an ordinance for that purpose, and shall transmit the same in the proper manner, to the Secretary of State in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her royal approval of such Act or ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or ordinance continue in force within such colony the prohibitions contained in the aforesaid Acts, and

5 & 6 Vict. c. 45.

8 & 9 Vict. c. 93.

Her Majesty may suspend in certain cases the prohibition against the admission of pirated books into the colonies in certain cases

(a) Commonly known as the Foreign Reprints Act, 1847.

hereinbefore recited, and any prohibitions contained in the said Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards such colony ; and thereupon such Act or ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council, anything in the said last-recited Act or in any other Act to the contrary notwithstanding.

Orders in Council to be published in 'Gazette.'

Orders in Council and the Colonial Acts or ordinances to be laid before Parliament. Act may be amended, &c.

II. And be it enacted, That every such Order in Council shall, within one week after the issuing thereof, be published in the 'London Gazette,' and that a copy thereof, and of every such colonial Act or ordinance so approved as aforesaid by Her Majesty, shall be laid before both Houses of Parliament within six weeks after the issuing of such order, if Parliament be then sitting, or if Parliament be not then sitting, then within six weeks after the opening of the next session of Parliament.

III. And be it enacted, This Act may be amended or repealed by any Act to be passed in the present session of Parliament.

13 & 14 VICT. c. 104.

An Act to extend and amend the Acts relating to the Copyright of Designs.

[14th August, 1850.]

Repealed by the Patents, Designs, and Trade Marks Act, 1883.

14 VICT. c. 8 (1851).

An Act to extend the Provisions of the " Designs Act, 1850," and to give Protection from Piracy to Persons exhibiting new Invention in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one.

Spent.

15 & 16 VICT. c. 12.

An Act to enable Her Majesty to carry into effect a Convention with France on the Subject of Copyright ; to extend and explain the International Copyright Acts ; and to explain the Acts relating to Copyright in Engravings.

[28th May, 1852.]

7 & 8 Vict. c. 12.

WHEREAS an Act was passed in the seventh year of the reign of her present Majesty, intituled " An Act to amend the Law relating to

International Copyright," hereinafter called "The International Copyright Act": And whereas a convention has lately been concluded between Her Majesty and the French Republic, for extending in each country the enjoyment of copyright in works of literature and the fine arts first published in the other, and for certain reductions of duties now levied on books, prints, and musical works published in France: And whereas certain of the stipulations on the part of Her Majesty contained in the said treaty require the authority of Parliament: And whereas it is expedient that such authority should be given, and that Her Majesty should be enabled to make similar stipulations in any treaty on the subject of Copyright which may hereafter be concluded with any foreign power: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:

Sects. I. to V. repealed by International Copyright Act, 1886.

VI. Nothing herein contained shall be so construed as to prevent fair imitations or adaptations to the English stage of any dramatic piece or musical composition published in any foreign country (a).

Adaptations, &c., of dramatic pieces to the English stage not prevented.

VII. Notwithstanding anything in the said International Copyright Act or in this Act contained, any article of political discussion which has been published in any newspaper or periodical in a foreign country may, if the source from which the same is taken be acknowledged, be republished or translated in any newspaper or periodical in this country; and any article relating to any other subject which has been so published as aforesaid may, if the source from which the same is taken be acknowledged, be republished or translated in like manner, unless the author has signified his intention of preserving the copyright therein, and the right of translating the same in some conspicuous part of the newspaper or periodical in which the same was first published, in which case the same shall, without the formalities required by the next following section, receive the same protection as is by virtue of the International Copyright Act or this Act extended to books.

All articles in newspapers, &c., relating to politics may be republished or translated: and also all similar articles on any subject, unless the author has notified his intention to reserve the right.

Section VIII. repealed by International Copyright Act, 1886.

IX. All copies of any works of literature or art wherein there is any subsisting copyright by virtue of the International Copyright Act and this Act, or of any Order in Council made in pursuance of such Acts or either of them, and which are printed, reprinted, or made in any foreign country except that in which such work shall be first published, and all unauthorized translations of any book or dramatic piece the publication or public representation in the British dominions or translations whereof not authorized as in this Act mentioned shall for the time being be prevented under any Order in Council made in pursuance of this Act, are hereby absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the

Pirated copies prohibited to be imported except with consent of proprietor.

(a) See 38 Vict. c. 12. *post*.

Provisions of 5 & 6 Viet. c. 45, as to forfeiture, &c., of pirated works, &c., to extend to works prohibited to be imported under this Act.

Foregoing provisions and 7 & 8 Viet. c. 12. to be read as one Act.

Reduction of Duties.

Recital of 9 & 10 Viet. c. 58.

Rates of duty not to be raised during continuance of treaty, and if further reduction is made for other countries it may be extended to France.

registered proprietor of the copyright of such work or of such book or piece, or his agent authorized in writing; and the provisions of the Act of the sixth year of Her Majesty "to amend the Law of Copyright," for the forfeiture, seizure, and destruction of any printed book first published in the United Kingdom wherein there shall be copyright, and reprinted in any country out of the British dominions and imported into any part of the British dominions by any person not being the proprietor of the copyright, or a person authorized by such proprietor, shall extend and be applicable to all copies of any works of literature and art, and to all translations the importation whereof into any part of the British dominions is prohibited under this Act.

X. The provisions hereinbefore contained shall be incorporated with the International Copyright Act, and shall be read and construed therewith as one Act.

Sect. XI. repealed by International Copyright Act, 1886.

XII. And whereas an Act was passed in the tenth year of Her present Majesty, intituled "An Act to amend an Act of the seventh and eighth Years of Her present Majesty, for reducing under certain Circumstances, the Duties payable upon Books and Engravings": And whereas by the said convention with the French Republic it was stipulated that the duties on books, prints, and drawings published in the territories of the French Republic should be reduced to the amount specified in the schedule to the said Act of the tenth year of Her present Majesty, chapter fifty-eight: And whereas Her Majesty has, in pursuance of the said convention, and in exercise of the powers given by the said Act, by Order in Council declared that such duties shall be reduced accordingly: And whereas by the said convention it was further stipulated that the said rates of duty should not be raised during the continuance of the said convention; and that if during the continuance of the said convention any reduction of those rates should be made in favour of books, prints, or drawings published in any other country, such reduction shall be at the same time extended to similar articles published in France: And whereas doubts are entertained whether such last-mentioned stipulations can be carried into effect without the authority of Parliament: Be it enacted, That the said rates of duty so reduced as aforesaid shall not be raised during the continuance of the said convention; and that if during the continuance of the said convention any further reduction of such rates is made in favour of books, prints, or drawings published in any other foreign country, Her Majesty may, by Order in Council, declare that such reduction shall be extended to similar articles published in France; such order to be made and published in the same manner and to be subject to the same provisions as orders made in pursuance of the said Act of the tenth year of Her present Majesty, chapter fifty-eight.

XIII. And whereas doubts have arisen as to the construction of the

schedule of the Act of the tenth year of Her present Majesty, chapter fifty-eight :

It is hereby declared, That for the purposes of the said Act every work published in the country of export, of which part has been originally produced in the United Kingdom, shall be deemed to be and be subject to the duty payable on "Works originally produced in the United Kingdom, and published in the country of export," although it contains also original matter not produced in the United Kingdom, unless it shall be proved to the satisfaction of the Commissioners of Her Majesty's Customs by the importer, consignee, or other person entering the same that such original matter is at least equal to the part of the work produced in the United Kingdom, in which case the work shall be subject only to the duty on "Works not originally produced in the United Kingdom."

XIV. And whereas by the four several Acts of Parliament following ; (that is to say), an Act of the eighth year of the reign of King George the Second, chapter thirteen ; an Act of the seventh year of the reign of King George the Third, chapter thirty-eight ; an Act of the seventeenth year of the reign of King George the Third, chapter fifty-seven ; and an Act of the seventh year of King William the Fourth, chapter fifty-nine, provision is made for securing to every person who invents, or designs, engraves, etches, or works in mezzotinto or chiaro-oscuro, or from his own work, design, or invention, causes or procures to be designed, engraved, etched, or worked in mezzotinto or chiaro-oscuro, any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, and to every person who engraves, etches, or works in mezzotinto or chiaro-oscuro, or causes to be engraved, etched, or worked any print taken from any picture, drawing, model, or sculpture, notwithstanding such print has not been graven or drawn from his own original design, certain copyrights therein defined : And whereas doubts are entertained whether the provisions of the said Acts extend to lithographs and certain other impressions, and it is expedient to remove such doubts.

*Lithographs,
&c.*
Recital of
8 G. II. c. 13,
7 G. III. c. 38,
17 G. III.
c. 57,
6 & 7 W. IV.
c. 59.

It is hereby declared, That the provisions of the said Acts are intended to include prints taken by lithography, or any other mechanical process by which prints or impressions of drawings or designs are capable of being multiplied indefinitely, and the said Acts shall be construed accordingly.

For removal
of doubts as
to the pro-
visions of
the said Acts
including
lithographs,
prints, &c.

16 & 17 VICT. C. 107 (1853).

An Act to amend and consolidate the Laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to the Trade and Navigation and the British Possessions.

Sects. 44, 46, and 160, repealed 39 & 40 Vict. c. 36.

THE LAW OF COPYRIGHT.

18 & 19 VICT. c. 96 (1855).

Act to consolidate certain Acts, and otherwise amend the Laws of the Customs, and an Act to regulate the Office of the Receipt of Her Majesty's Exchequer at Westminster.

Sects. 39 and 40 repealed 39 & 40 Vict. c. 36.

21 & 22 VICT. c. 70.

An Act to amend the Act of the fifth and sixth years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of designs for ornamenting Articles of Manufacture.

[2nd August, 1858.]

Repealed by the Patents, Designs, and Trade Marks Act, 1883.

24 & 25 VICT. c. 73.

An Act to amend the Law relating to the Copyright of Designs.

[6th August, 1861.]

Repealed by the Patents, Designs, and Trade Marks Act, 1883.

25 & 26 VICT. c. 68.

An Act for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works.

[29th July, 1862.]

WHEREAS by law, as now established, the authors of paintings, drawings, and photographs have no copyrights in such their works, and it is expedient that the law should in that respect be amended: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Copyright in works hereafter made or sold to vest in the author for his life and for seven years after his death.

I. The author, being a British subject or resident within the dominions of the Crown, of every original painting, drawing, and photograph which shall be or shall have been made either in the British dominions or elsewhere, and which shall not have been sold or disposed of before the commencement of this Act, and his assigns shall have the sole and exclusive right of copying, engraving, reproducing, and multiplying such painting or drawing, and the design thereof, or

such photograph, and the negative thereof, by any means and of any size, for the term of the natural life of such author and seven years after his death; provided that when any painting or drawing, or the negative of any photograph, shall for the first time after the passing of this Act be sold or disposed of, or shall be made or executed for or on behalf of any other person for a good or a valuable consideration; the person so selling or disposing of or making or executing the same shall not retain the copyright thereof, unless it be expressly reserved to him by agreement in writing signed, at or before the time of such sale or disposition, by the vendee or assignee of such painting or drawing, or of such negative of a photograph, or by the person for or on whose behalf the same shall be so made or executed, but the copyright shall belong to the vendee or assignee of such painting or drawing, or of such negative of a photograph, or to the person for or on whose behalf the same shall have been made or executed; nor shall the vendee or assignee thereof be entitled to any such copyright, unless, at or before the time of such sale or disposition, an agreement in writing, signed by the person so selling or disposing of the same, or by his agent duly authorized, shall have been made to that effect.

II. Nothing herein contained shall prejudice the right of any person to copy or use any work in which there shall be no copyright or to represent any scene or object, notwithstanding that there may be copyright in some representation of such scene or object.

Copyright not to prevent the representation of the same subjects in other works.

III. All copyright under this Act shall be deemed personal or movable estate, and shall be assignable at law, and every assignment thereof, and every licence to use or copy by any means or process the design or work which shall be the subject of such copyright, shall be made by some note or memorandum in writing, to be signed by the proprietor of the copyright, or by his agent appointed for that purpose in writing.

Assignments, licences, &c. to be in writing.

IV. There shall be kept at the hall of the Stationers' Company, by the officer appointed by the said company for the purposes of the Act passed in the sixth year of Her present Majesty, intituled "An Act to amend the Law of Copyright," a book or books intituled "The Register of Proprietors of Copyright in Paintings, Drawings, and Photographs," wherein shall be entered a memorandum of every copyright to which any person shall be entitled under this Act, and also of every subsequent assignment of any such copyright; and such memorandum shall contain a statement of the date of such agreement or assignment, and of the names of the parties thereto, and of the name and place of abode of the person in whom such copyright shall be vested by virtue thereof, and of the name and place of abode of the author of the work in which there shall be such copyright, together with a short description of the nature and subject of such work, and in addition thereto, if the person registering shall so desire, a sketch, outline, or photograph of the said work; and no proprietor of any such copyright shall be entitled to the benefit of this Act until such registration, and no action shall be

Register of proprietors of copyright in paintings, drawings, and photographs to be kept at Stationers' Hall as in 5 & 6 Vict. c. 45.

sustainable nor any penalty be recoverable in respect of anything done before registration.

Certain enactments of 5 & 6 Vict. c. 45, to apply to the books to be kept under this Act.

V. The several enactments in the said Act of the sixth year of Her present Majesty contained, with relation to keeping the register book thereby required, and the inspection thereof, the searches therein, and the delivery of certified and stamped copies thereof, the reception of such copies in evidence, the making of false entries in the said book, and the production in evidence of papers falsely purporting to be copies of entries in the said book, the application to the courts and judges by persons aggrieved by entries in the said book, and the expunging and varying such entries, shall apply to the book or books to be kept by virtue of this Act, and to the entries and assignments of copyright and proprietorship therein under this Act, in such and the same manner as if such enactments were here expressly enacted in relation thereto, save and except that the forms of entry prescribed by the said Act of the sixth year of Her present Majesty may be varied to meet the circumstances of the case, and that the sum to be demanded by the officer of the said Company of Stationers for making any entry required by this Act shall be one shilling only.

Penalties on infringement of copyright.

VI. If the author of any painting, drawing, or photograph in which there shall be subsisting copyright, after having sold or disposed of such copyright, or if any other person, not being the proprietor for the time being of copyright in any painting, drawing, or photograph, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply for sale, hire, exhibition, or distribution, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for sale, hire, exhibition, or distribution, any such work or the design thereof, or knowing that any such repetition, copy, or other imitation has been unlawfully made shall import into any part of the United Kingdom, or sell, publish, let to hire, exhibit, or distribute, or offer for sale, hire, exhibition, or distribution, or cause or procure to be imported, sold, published, let or hire, distributed, or offered for sale, hire, exhibition or distribution, any repetition, copy, or imitation of the said work, or of the design thereof, made without such consent as aforesaid, such person for every such offence shall forfeit to the proprietor of the copyright for the time being a sum not exceeding ten pounds; and all such repetitions, copies, and imitations made without such consent as aforesaid, and all negatives of photographs made for the purpose of obtaining such copies, shall be forfeited to the proprietor of the copyright.

Penalties on fraudulent productions and sales.

VII. No person shall do or cause to be done any or either of the following acts, that is to say :

First, no person shall fraudulently sign or otherwise affix, or fraudulently cause to be signed or otherwise affixed, to or upon any painting, drawing, or photograph, or the negative thereof, any name, initials, or monogram :

Secondly, no person shall fraudulently sell, publish, exhibit, or dispose

of, or offer for sale, exhibition or distribution, any painting, drawing, or photograph, or negative of a photograph, having thereon the name, initials, or monogram of a person who did not execute or make such work :

Thirdly, no person shall fraudulently utter, dispose of, or put off, or cause to be uttered or disposed of, any copy or colourable imitation of any painting, drawing, or photograph, or negative of a photograph, whether there shall be subsisting copyright therein or not, as having been made or executed by the author or maker of the original work from which such copy or imitation shall have been taken :

Fourthly, where the author or maker of any painting, drawing, or photograph, or negative of a photograph, made either before or after the passing of this Act, shall have sold or otherwise parted with the possession of such work, if any alteration shall afterwards be made therein by any other person, by addition or otherwise, no person shall be at liberty during the life of the author or maker of such work, without his consent, to make or knowingly to sell or publish or offer for sale, such work or any copies of such work so altered, as aforesaid, or of any part thereof, as or for the unaltered work of such author or maker :

Every offender under this section shall, upon conviction, forfeit to the person aggrieved a sum not exceeding ten pounds or not exceeding double the full price, if any, at which all such copies, engravings, imitations, or altered works shall have been sold or offered for sale; and all such copies, engravings, imitations, or altered works shall be forfeited to the person or the assigns or legal representatives of the person whose name, initials, or monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid: Provided always, that the penalties imposed by this section shall not be incurred unless the person whose name, initials, or monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within twenty years next before the time when the offence may have been committed. Penalties.

VIII. All pecuniary penalties which shall be incurred, and all such unlawful copies, imitations, and all other effects and things as shall have been forfeited by offenders, pursuant to this Act, and pursuant to any Act for the protection of copyright engravings, may be recovered by the person hereinbefore and in any such Act as aforesaid empowered to recover the same respectively, and hereinafter called the complainant or the complainer, as follows: Recovery of pecuniary penalties:

In England and Ireland, either by action against the party offending, or by summary proceeding before any two justices having jurisdiction where the party offending resides: In England and Ireland;

In Scotland, by action before the Court of Session in ordinary form, in Scotland.

or by summary action before the sheriff of the county where the offence may be committed or the offender resides, who, upon proof of the offence or offences, either by confession of the party offending, or by the oath or affirmation of one or more credible witnesses, shall convict the offender, and find him liable to the penalty or penalties aforesaid, as also in expenses; and it shall be lawful for the sheriff, in pronouncing such judgment, for the penalty or penalties and costs, to insert in such judgment a warrant, in the event of such penalty or penalties and costs not being paid, to levy and recover the amount of the same by poinding: Provided always, that it shall be lawful to the sheriff, in the event of his dismissing the action and assoilzieing the defender, to find the complainer liable in expenses, and any judgment so to be pronounced by the sheriff in such summary application shall be final and conclusive, and not subject to review by avocation, suspension, reduction, or otherwise.

Superior Courts of Record in which any action is pending may make an order for an injunction, inspection, or account.

IX. In any action in any of Her Majesty's superior Courts of Record at Westminster and in Dublin for the infringement of any such copyright as aforesaid, it shall be lawful for the court in which such action is pending, if the court be then sitting, or if the court be not sitting then for a judge of such court, on the application of the plaintiff or defendant respectively, to make such order for an injunction, inspection, or account, and to give such direction respecting such action, injunction, inspection, and account and the proceedings therein respectively, as to such court or judge may seem fit.

Importation of pirated works prohibited.

X. All repetitions, copies, or imitations of paintings, drawings, or photographs, wherein or in the design whereof there shall be subsisting copyright under this Act, and all repetitions, copies, and imitations of the design of any such painting or drawing, or of the negative of any such photograph, which, contrary to the provisions of this Act, shall have been made in any foreign state, or in any part of the British dominions, are hereby absolutely prohibited to be imported into any part of the United Kingdom, except by or with the consent of the proprietor of the copyright thereof, or his agent authorized in writing; and if the proprietor of any such copyright or his agent, shall declare that any goods imported are repetitions, copies, or imitations of any such painting, drawing, or photograph, or of the negative of any such photograph, and so prohibited as aforesaid, then such goods may be detained by the officers of Her Majesty's Customs.

Application in such cases of Customs Acts.

Saving of right to bring action for damages.

XI. If the author of any painting, drawing, or photograph, in which there shall be subsisting copyright, after having sold or otherwise disposed of such copyright, or if any other person, not being the proprietor for the time being of such copyright, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied, for sale, hire, exhibition, or distribution, any such

work or the design thereof, or the negative of any such photograph, or shall import or cause to be imported into any part of the United Kingdom, or sell, publish, let to hire, exhibit, or distribute, or offer for sale, hire, or exhibition, or distribution, or cause or procure to be sold, published, let to hire, exhibited, or distributed, or offered for sale, hire, exhibition, or distribution, any repetition, copy, or imitation of such work, or the design thereof, or the negative of any such photograph, made without such consent as aforesaid, then every such proprietor, in addition to the remedies hereby given for the recovery of any such penalties, and forfeiture of any such things as aforesaid, may recover damages by and in a special action on the case, to be brought against the person so offending, and may in such action recover and enforce the delivery to him of all unlawful repetitions, copies, and imitations, and negatives of photographs, or may recover damages for the retention or conversion thereof. Provided that nothing herein contained, nor any proceeding, conviction, or judgment, for any act hereby forbidden, shall affect any remedy which any person aggrieved by such act may be entitled to either at law or in equity.

XII. This Act shall be considered as including the provisions of the Act passed in the session of Parliament held in the seventh and eighth years of Her present Majesty, intituled "An Act to amend the Law relating to International Copyright," in the same manner as if such provisions were part of this Act. Provisions of 7 & 8 Vict. c. 12, to be considered as included in this Act.

32 & 33 VICT. C. 24.

An Act to repeal certain Enactments relating to Newspapers, Pamphlets, and other Publications, and to Printers, Typesetters, and Reading Rooms.

[12th July, 1869.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Acts and parts of Acts described in the first schedule to this Act are hereby repealed, but the provisions of the said Acts which are set out in the second schedule to this Act shall continue in force in the same manner as if they were enacted in the body of this Act: and this Act shall not affect the validity or invalidity of anything already done or suffered, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, and all such remedies and proceedings may be had and continued in the same manner as if this Act had not passed. Acts and parts of Acts in first schedule repealed, except as in second schedule.

2. This Act may be cited as "The Newspapers, Printers, and Reading Rooms Repeal Act, 1869." Short title.

FIRST SCHEDULE.

Date of Act.	Title of Act, and Part Repealed.
36 Geo. III. c. 8.	An Act for the more effectually preventing seditious meetings and assemblies.
39 Geo. III. c. 79, in part.	An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices. } In part, namely,— sections fifteen to thirty-three, both inclusive, and so much of sections thirty-four to thirty-nine as relates to the above-mentioned sections.
51 Geo. III. c. 65.	An Act to explain and amend an Act passed in the thirty-ninth year of His Majesty's reign, intituled "An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices," so far as respects certain penalties on printers and publishers.
55 Geo. III. c. 101, in part.	An Act to regulate the collection of stamp duties and matters in respect of which licences may be granted by the Commissioner of Stamps in Ireland. } In part, namely,— section thirteen.
60 Geo. III. & 1 Geo. IV. c. 9.	An Act to subject certain publications to the duties of stamps upon newspapers, and to make other regulations for restraining the abuses arising from the publication of blasphemous and seditious libels.
11 Geo. IV. & 1 Will. IV. c. 73.	An Act to repeal so much of an Act of the sixtieth year of His late Majesty King George the Third, for the more effectual prevention and punishment of blasphemous and seditious libels, as relates to the sentence of banishment for the second offence, and to provide some further remedy against the abuse of publishing libels.
6 & 7 Will. IV. c. 76, in part.	An Act to reduce the duties on newspapers and to amend the laws relating to the duties on newspapers and advertisements. } In part, namely,— Except sections one to four (both inclusive), sections thirty-four and thirty-five, and the schedule.
2 & 3 Vict. c. 12.	An Act to amend an Act of the thirty-ninth year of King George the Third, for the more effectual suppression of societies established for seditious and treasonable purposes, and for preventing treasonable and seditious practices, and to put an end to certain proceedings now pending under the said Act.
5 & 6 Vict. c. 82, in part.	An Act to assimilate the stamp duties in Great Britain and Ireland, and to make regulations for collecting and managing the same until the tenth day of October, One thousand eight hundred and forty-five. } In part, namely,— The following words in section twenty: "and also licence to any person to keep any printing presses and types for printing in Ireland."

FIRST SCHEDULE—*continued.*

Date of Act.	Title of Act, and Part Repealed.
9 & 10 Vict. c. 33, in part.	An Act to amend the laws relating to corresponding societies and the licensing of lecture rooms. } In part, namely,— So far as it relates to any proceedings under the enactments repealed by this schedule.
16 & 17 Vict. c. 59, in part.	An Act to repeal certain stamp duties and to grant others in lieu thereof, to amend the laws relating to stamp duties, and to make perpetual certain stamp duties in Ireland. } In part, namely,— So much of section twenty as makes perpetual the provisions of 5 & 6 Vict. c. 82, repealed by this Act.

SECOND SCHEDULE.

The enactments in this Schedule, with the exception of sect. 19 of 6 & 7 Will. IV. c. 76, do not apply to Ireland.

39 Geo. III. c. 79. Section 28.

Nothing in this Act contained shall extend or be construed to extend to any papers printed by the authority and for the use of either House of Parliament. Not to extend to papers printed by authority of Parliament.

Section 29.

Every person who shall print any paper for hire, reward, gain, or profit, shall carefully preserve and keep one copy (at least) of every paper so printed by him or her, on which he or she shall write, or cause to be written or printed, in fair and legible characters, the name and place of abode of the person or persons by whom he or she shall be employed to print the same; and every person printing any paper for hire, reward, gain, or profit who shall omit or neglect to write, or cause to be written or printed as aforesaid, the name and place of his or her employer on one of such printed papers, or to keep or preserve the same for the space of six calendar months next after the printing thereof, or to produce and show the same to any justice of the peace who within the said space of six calendar months shall require to see the same, shall for every such omission, neglect, or refusal forfeit and lose the sum of twenty pounds. Printers to keep a copy of every paper they print, and write thereon the name and abode of their employer.
Penalty of £20 for neglect or refusing to produce the copy within six months.

Section 31.

Nothing herein contained shall extend to the impression of any engraving, or to the printing by letterpress of the name, or the name and address, or business or profession, of any person, and the articles in which he deals, or to any papers for the sale of estates or goods by auction or otherwise. Not to extend to impressions of engravings for the printing names and addresses.

Section 34.

No person shall be prosecuted or sued for any penalty imposed by this Act, unless Prosecutions

SECOND SCHEDULE—*continued*.

to be commenced within three months after penalty is incurred.

Recovery of penalties.

such prosecution shall be commenced, or such action shall be brought, within three calendar months next after such penalty shall have been incurred.

Part of Section 35.

And any pecuniary penalty imposed by this Act, and not exceeding the sum of twenty pounds, shall and may be recovered before any justice or justices of the peace for the county, stewardry, riding, division, city, town, or place, in which the same shall be incurred, or the person having incurred the same shall happen to be, in a summary way.

Section 36.

Application of penalties.

All pecuniary penalties hereinbefore imposed by this Act shall, when recovered in a summary way before any justice, be applied and disposed of in manner hereinafter mentioned: that is to say, one moiety thereof to the informer before any justice, and the other moiety thereof to His Majesty, his heirs and successors.

51 Geo. III. c. 65. Section 3.

Name and residence of printers not required to be put to bank notes, bills, &c., or to any paper printed by authority of any public board or public office.

Nothing in the said Act of the thirty-ninth year of King George the Third, chapter seventy-nine, or in this Act contained, shall extend or be construed to extend to require the name and residence of the printer to be printed upon any bank note, or bank post bill of the Governor and Company of the Bank of England, upon any bill of exchange, or promissory note, or upon any bond or other security for payment of money, or upon any bill of lading, policy of insurance, letter of attorney, deed, or agreement, or upon any transfer or assignment of any public stocks, funds, or other securities, or upon any transfer or assignment of the stocks of any public corporation or company authorized or sanctioned by Act of Parliament, or upon any dividend warrant of or for any such public or other stocks, funds, or securities, or upon any receipt for money or goods, or upon any proceeding in any court of law or equity, or in any inferior court, warrant, order, or other papers printed by the authority of any public board or public officer in the execution of the duties of their respective offices, notwithstanding the whole or any part of the said several securities, instruments, proceedings, matters, and things aforesaid shall have been or shall be printed.

6 & 7 Will. IV. c. 76. Section 19.

Discovery of proprietors, printers, or publishers of newspapers may be enforced by bill, &c.

If any person shall file any bill in any court for the discovery of the name of any person concerned as printer, publisher, or proprietor of any newspaper, or of any matters relative to the printing or publishing of any newspaper, in order the more effectually to bring or carry on any suit or action for damages alleged to have been sustained by reason of any slanderous or libellous matter contained in any such newspaper respecting such person, it shall not be lawful for the defendant to plead or demur to such bill, but such defendant shall be compellable to make the discovery required: Provided always, that such discovery shall not be made use of as evidence or otherwise in any proceeding against the defendant, save only in that proceeding for which the discovery is made.

2 & 3 Vict. c. 12. Section 2.

Penalty upon printers for not printing their name and residence on every paper or book, and on persons

Any person who shall print any paper or book whatsoever which shall be meant to be published or dispersed, and who shall not print upon the front of every such paper, if the same shall be printed on one side only, or upon the first or last leaf of every paper or book which shall consist of more than one leaf, in legible characters, his or her name and usual place of abode or business, and every person who shall publish or disperse, or assist in publishing or dispersing, any printed paper or book on which the name and place of abode of the person printing the same shall not be

SECOND SCHEDULE—*continued.*

printed as aforesaid, shall for every copy of such paper so printed by him or her publishing
 forfeit a sum not more than five pounds: Provided always, that nothing herein the same.
 contained shall be construed to impose any penalty upon any person for printing
 any paper excepted out of the operation of the said Act of the thirty-ninth year of
 King George the Third, chapter seventy-nine, either in the said Act or by any Act
 made for the amendment thereof.

Section 3.

In the case of books or papers printed at the University Press of Oxford or the As to books
 Pitt Press of Cambridge, the printer, instead of printing his name thereon, shall or papers
 print the following words: "Printed at the University Press, Oxford," or "The printed at
 Pitt Press, Cambridge," as the case may be. the Univer-
 sity presses.

Section 4.

Provided always, that it shall not be lawful for any person or persons whatsoever No actions
 to commence, prosecute, enter, or file, or cause or procure to be commenced prose- for penalties
 cuted, entered, or filed, any action, bill, plaint, or information in any of Her to be com-
 Majesty's courts, or before any justice or justices of the peace, against any person menced ex-
 or persons for the recovery of any fine, penalty, or forfeiture made or incurred or cept in the
 which may hereafter be incurred under the provisions of this Act, unless the same name of the
 be commenced, prosecuted, entered, or filed in the name of Her Majesty's Attorney- Solicitor-
 General or Solicitor-General in that part of Great Britain called England, or Her General in
 Majesty's Advocate for Scotland (as the case may be respectively); and if any England or
 action, bill, plaint, or information shall be commenced, prosecuted, or filed in the the Queen's
 name or names of any other person or persons than is or are in that behalf before Advocate in
 mentioned, the same and every proceeding thereupon had are hereby declared and Scotland.
 the same shall be null and void to all intents and purposes.

9 & 10 Vict. c. 33. Section 1.

It shall not be lawful for any person or persons to commence, prosecute, enter, or Proceedings
 file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, shall not be
 plaint, or information in any of Her Majesty's courts, or before any justice or commenced
 justices of the peace, against any person or persons for the recovery of any fine unless in the
 which may hereafter be incurred under the provisions of the Act of the thirty- name of the
 ninth year of King George the Third, chapter seventy-nine, set out in this Act, law officers of
 unless the same be commenced, prosecuted, entered, or filed in the name of Her the Crown.
 Majesty's Attorney-General or Solicitor-General in England or Her Majesty's
 Advocate in Scotland; and every action, bill, plaint, or information which shall be
 commenced, prosecuted, entered, or filed in the name or names of any other person
 or persons than is in that behalf before mentioned, and every proceeding thereupon
 had, shall be null and void to all intents and purposes.

38 VICT. C. 12. *V**An Act to amend the Law relating to International Copyright.*

[13th May, 1875.]

WHEREAS by an Act passed in the fifteenth year of the reign of Her
 present Majesty, chapter 12, intituled "An Act to enable Her Majesty
 to carry into effect a convention with France on the subject of Copy-
 right; to extend and explain the International Copyright Acts; and
 to explain the Acts relating to copyright in engravings," it is enacted that

“ Her Majesty may, by Order in Council, direct that authors of dramatic pieces which are, after a future time to be specified in such order, first publicly represented in any foreign country, to be named in such order, their executors, administrators, and assigns, shall, subject to the provisions thereafter mentioned or referred to, be empowered to prevent the representation in the British dominions of any translation of such dramatic pieces not authorized by them for such time as may be specified in such order, not extending beyond the expiration of five years from the time at which the authorized translations of such dramatic pieces are first published and publicly represented”: And whereas by the same Act it is further enacted, “ that, subject to any provisions or qualifications contained in such order, and to the provisions in the said Acts contained or referred to, the law and enactments for the time being in force for ensuring to the author of any dramatic piece, first publicly represented in the British dominions, the sole liberty of representing the same shall be applied for the purposes of preventing the representation of any translations of the dramatic pieces to which such order extends, which are not sanctioned by the authors thereof”: And whereas by the sixth section of the said Act it is provided that “ nothing in the said Act contained shall be so construed as to prevent fair imitations or adaptation to the English stage of any dramatic piece or musical composition published in any foreign country”:

And whereas it is expedient to alter or amend the last mentioned provisions under certain circumstances :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, viz. :

Section 6 of recited Act not to apply to dramatic pieces in certain cases.

1. In any case in which, by virtue of the enactments hereinbefore recited, any Order in Council has been or may hereafter be made for the purpose of extending protection to the translations of dramatic pieces first publicly represented in any foreign country, it shall be lawful for Her Majesty, by Order in Council, to direct that the sixth section of the said Act shall not apply to the dramatic pieces to which protection is so extended; and thereupon the said recited Act shall take effect with respect to such dramatic pieces, and to the translations thereof as if the said sixth section of the said Acts were hereby repealed.

38 & 39 VICT. c. 93.

An Act to Amend the Copyright of Designs Act.

[13th August, 1875.]

Repealed by the Patents, Designs, and Trade Marks Act, 1883.

39 & 40 VICT. C. 36.

[24th July, 1876.]

“The Customs Consolidation Act, 1876.”

42. The goods enumerated and described in the following table of prohibitions and restrictions incurred are hereby prohibited to be imported or brought into the United Kingdom, save as thereby excepted, and if any goods so enumerated and described shall be imported or brought into the United Kingdom contrary to the prohibitions or restrictions contained therein, such goods shall be forfeited, and may be destroyed or otherwise disposed of as the Commissioners of Customs may direct.

A Table of Prohibitions and Restrictions inwards. Goods prohibited to be imported.

Books wherein the copyright shall be first subsisting, first composed, or written or printed, in the United Kingdom, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing, duly declared, that such copyright subsists, such notice also stating when such copyright will expire.

The Commissioners of Customs shall cause to be made, and to be publicly exposed at the Custom Houses in the several ports in the United Kingdom, lists of all books wherein the copyright shall be subsisting, and as to which the proprietor of such copyright, or his agent, shall have given notice in writing to the said commissioners that such copyright exists, stating in such notice when such copyright expires, accompanied by a declaration made and subscribed before a collector of customs or a justice of the peace, that the contents of such notice are true.

45. If any person shall have cause to complain of the insertion of any book in such lists, it shall be lawful for any judge at chambers, on the application of the person so complaining, to issue a summons, calling upon the person upon whose notice such book shall have been so inserted to appear before any such judge at a time to be appointed in such summons; to show cause why such book shall not be expunged from such lists, and any such judge shall at the time so appointed proceed to hear and determine upon the matter of such summons, and make his order thereon in writing; and upon service of such order, or a certified copy thereof, upon the Commissioners of Customs or their secretary for the time being, the said commissioners shall expunge such book from the list, or retain the same therein, according to the tenor of such order; and in case such books shall be expunged from such lists, the importation thereof shall not be deemed to be prohibited. If at

the time appointed in any such summons the person so summoned shall not appear before such judge, then upon proof by affidavit that such summons, or a true copy thereof, has been personally served upon the person so summoned, or sent to him by post to or left at his last known place of abode or business, any such judge may proceed ex parte to hear and determine the matter; but if either party be dissatisfied with such order, he may apply to a superior court to review such decision and to make such further order thereon as the court may see fit: Provided always, that nothing herein contained shall affect any proceeding at law or in equity which any party aggrieved by reason of the insertion of any book pursuant to any such notice, or the removal of any book from such list pursuant to any such order, or by reason of any false declaration under this Act, might or would otherwise have against any party giving such notice or obtaining such order, or making such false declaration.

As to the Channel Islands and other Possessions.

Foreign re-
prints of
books under
copyright
prohibited.

152. Any books wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, shall be and are hereby absolutely prohibited to be imported into the British Possessions abroad; provided always, that no such books shall be prohibited to be imported as aforesaid, unless the proprietor of such copyright, or his agent, shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice shall have stated when the copyright will expire; and the said commissioners shall cause to be made and transmitted to the several ports in the British Possessions abroad, from time to time to be publicly exposed there, lists of books respecting which such notice shall have been duly given, and all books imported contrary thereto shall be forfeited; but nothing herein contained shall be taken to prevent Her Majesty from exercising the powers vested in her by 10 & 11 Vict. c. 95, intituled "An Act to amend the Law relating to the protection in the Colonies of works entitled to copyright in the United Kingdom," to suspend in certain cases such prohibition.

45 & 46 VICT. c. 40.

An Act to amend the law of Copyright relating to Musical Compositions.

[10th August, 1882.]

WHEREAS it is expedient to amend the law relating to copyright in musical compositions, and to protect the public from vexatious pro-

ceedings for the recovery of penalties for the unauthorised performance of the same.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. On and after the passing of this Act, the proprietor of the copy-right in any musical composition first published after the passing of this Act, or his assignee, who shall be entitled to and be desirous of retaining in his own hands exclusively the right of public representation or performance of the same, shall print or cause to be printed upon the title page of every published copy of such musical composition a notice to the effect that the right of public representation or performance is reserved.

Printed notice
restraining
public per-
formance.

II. In case, after the passing of this Act, the right of public representation or performance of, and the copyright in, any musical composition shall be or become vested before publication of any copy thereof in different owners, then, if the owner of the right of public representation or performance shall desire to retain the same, he shall, before any such publication of any copy of such musical composition, give to the owner of the copyright therein notice in writing requiring him to print upon every copy of such musical composition a notice to the effect that the right of public representation or performance is reserved; but in case the right of public representation or performance of, and the copyright in, any musical composition shall, after publication of any copy thereof subsequently to the passing of this Act, first become vested in different owners, and such notice as aforesaid shall have been duly printed on all copies published after the passing of this Act previously to such vesting, then, if the owner of the right of performance and representation shall desire to retain the same, he shall, before the publication of any further copies of such musical composition, give notice in writing to the person in whom the copyright shall be then vested, requiring him to print such notice as aforesaid on every copy of such musical composition to be thereafter published.

Provision
when right of
performance
and copy-
right are
vested in
different
owners.

III. If the owner for the time being of the copyright in any musical composition shall, after due notice being given to him or his predecessor in title at the time, and generally in accordance with the last preceding section, neglect or fail to print legibly and conspicuously upon every copy of such composition published by him or by his authority, or by any person lawfully entitled to publish the same, and claiming through or under him, a note or memorandum stating that the right of public representation or performance is reserved, then and in such case the owner of the copyright at the time of the happening of such neglect or default, shall forfeit and pay to the owner of the right of public representation or performance of such composition the sum of twenty pounds to be recovered in any court of competent jurisdiction.

Penalty on
owner of
copyright for
non-compli-
ance with
notice from
owner of right
of perform-
ance.

Costs.

3 & 4 Will. IV. c. 15.

IV. Notwithstanding the provisions of the Act passed in the third and fourth years of His Majesty King William the Fourth, to amend the laws relating to dramatic literary property, or any other Act in which those provisions are incorporated, the costs of any action or proceedings for penalties or damages in respect of the unauthorised representation or performance of any musical composition published before the passing of this Act shall, in cases in which the plaintiff shall not recover more than forty shillings as penalty or damages, be in the discretion of the court or judge before whom such action or proceedings shall be tried (a).

Short title.

V. This Act may be cited as the Copyright (Musical Compositions) Act, 1882.

46 & 47 VICT. c. 57.

An Act to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks.

[25th August, 1883.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

**PART I.
PRELIMI-
NARY.**

PART I.

PRELIMINARY.

Short title.

I. This Act may be cited as the Patents, Designs, and Trade Marks Act, 1883.

Division of Act into parts.

II. This Act is divided into parts, as follows :

Part I.—PRELIMINARY.

Part II.—PATENTS.

Part III.—DESIGNS.

Part IV.—TRADE MARKS.

Part V.—GENERAL.

Commence-
ment of Act.

III. This Act, except where it is otherwise expressed, shall commence from and immediately after the thirty-first day of December one thousand eight hundred and eighty-three.

**PART III.
DESIGNS.**

PART III.

DESIGNS.

Registration of Designs.

Application for registration of designs.

XLVII. (1) The comptroller may, on application by or on behalf of any person claiming to be the proprietor of any new or original design

(a) Repealed by 51 & 52 Vict. c. 17, the Copyright (Musical Compositions) Act, 1888.

not previously published in the United Kingdom, register the design under this part of this Act.

(2) The application must be made in the form set forth in the First Schedule to this Act, or in such other form as may be from time to time prescribed, and must be left at, or sent by post to, the patent office in the prescribed manner.

(3) The application must contain a statement of the nature of the design, and the class or classes of goods in which the applicant desires that the design be registered.

(4) The same design may be registered in more than one class.

(5) In case of doubt as to the class in which a design ought to be registered, the comptroller may decide the question.

(6) The comptroller may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal therefrom to the Board of Trade.

(7) The Board of Trade shall, if required, hear the applicant and the comptroller, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

XLVIII. (1) On application for registration of a design the applicant shall furnish to the comptroller the prescribed number of copies of drawings, photographs, or tracings of the design sufficient, in the opinion of the comptroller, for enabling him to identify the design; or the applicant may, instead of such copies, furnish exact representations or specimens of the design. Drawings, &c., to be furnished on application.

(2) The comptroller may, if he thinks fit, refuse any drawing, photograph, tracing representation or specimen which is not, in his opinion, suitable for the official records.

XLIX. (1) The comptroller shall grant a certificate of registration to the proprietor of the design when registered. Certificate of registration.

(2) The comptroller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, grant a copy or copies of the certificate.

Copyright in registered Designs.

L. (1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration. Copyright on registration.

(2) Before delivery on sale of any articles to which a registered design has been applied, the proprietor must (if exact representations or specimens were not furnished on the application for registration), furnish to the comptroller the prescribed number of exact representations or specimens of the design; and if he fails to do so, the comptroller may erase his name from the register, and thereupon his copyright in the design shall cease.

LI. Before delivery on sale of any articles to which a registered Marking

registered designs.

design has been applied, the proprietor of the design shall cause each such article to be marked with the prescribed mark, or with the prescribed word or words or figures, denoting that the design is registered; and if he fails to do so the copyright in the design shall cease, unless the proprietor shows that he took all proper steps to ensure the marking of the article.

Inspection of registered designs.

LII. (1) During the existence of copyright in a design, the design shall not be open to inspection except by the proprietor, or a person authorized in writing by the proprietor, or a person authorized by the comptroller or by the court, and furnishing such information as may enable the comptroller, to identify the design, nor except in the presence of the comptroller, or of an officer acting under him, nor except on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof (a).

(2) When the copyright in a design has ceased, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

Information as to existence of copyright.

LIII. On the request of any person producing a particular design, together with its mark of registration, or producing only its mark of registration, or furnishing such information as may enable the comptroller to identify the design, and on payment of the prescribed fee, it shall be the duty of the comptroller to inform such person whether the registration still exists in respect of such design, and if so, in respect of what class or classes of goods, and stating also the date of registration, and the name and address of the registered proprietor.

Cesser of copyright in certain events.

LIV. If a registered design is used in manufacture in any foreign country and is not used in this country within six months of its registration in this country, the copyright in the design shall cease.

Register of Designs.

Register of designs.

LV. (1) There shall be kept at the patent office a book called the Register of Designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs, and such other matters as may from time to time be prescribed.

(2) The register of designs shall be *primâ facie* evidence of any matters by this Act directed or authorised to be entered therein.

Fees.

Fees on registration, &c.

LVI. There shall be paid in respect of applications and registration and other matters under this part of this Act such fees as may be from time to time, with the sanction of the Treasury, prescribed by the Board of Trade; and such fees shall be levied and paid to the account of Her

(a) See addition by 51 & 52 Vict. c. 50, s. 6.

Majesty's Exchequer in such manner as the Treasury shall from time to time direct.

Industrial and International Exhibitions.

LVII. The exhibition at an industrial or international exhibition certified as such by the Board of Trade, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof, provided that both the following conditions are complied with; namely:

Exhibition at industrial or international exhibition not to prevent or invalidate registration.

- (a) The exhibitor must, before exhibiting the design or article, or publishing a description of the design give the comptroller the prescribed notice of his intention to do so; and
- (b) The application for registration must be made before or within six months from the date of the opening of the exhibition.

Legal Proceedings.

LVIII. During the existence of copyright in any design:

Penalty on piracy of registered design.

- (a) It shall not be lawful for any person without the licence or written consent of the registered proprietor to apply (a) such design or fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale to any article of manufacture or to any substance artificial or natural or partly artificial and partly natural; and
- (b) It shall not be lawful for any person to publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, knowing that the same has been so applied without the consent of the registered proprietor.

Any person who acts in contravention of this section shall be liable for every offence to forfeit a sum not exceeding fifty pounds to the registered proprietor of the design, who may recover such sum as a simple contract debt by action in any court of competent jurisdiction (b).

LLX. Notwithstanding the remedy given by this Act for the recovery of such penalty as aforesaid, the registered proprietor of any design may (if he elects to do so) bring an action for the recovery of any damages arising from the application of any such design, or of any fraudulent or obvious imitation thereof for the purpose of sale, to any article of manufacture or substance, or from the publication, sale, or

Action for damages.

- (a) "Or cause to be applied," added by 51 & 52 Vict. c. 50, s. 7 (1).
- (b) See addition by 51 & 52 Vict. c. 50, s. 7 (2).

exposure for sale by any person of any article or substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, such person knowing that the proprietor had not given his consent to such application.

Definitions.

Definition of
"design,"
"copyright."

LX. In and for the purpose of this Act—

"Design" means any design applicable to any article of manufacture, or to any substance artificial or natural, or partly artificial and partly natural, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined, not being a design for a sculpture, or other thing within the protection of the Sculpture Copyright Act of the year 1814 (fifty-fourth George the Third, chapter fifty-six).

"Copyright" means the exclusive right to apply a design to any article of manufacture or to any such substance as aforesaid in the class or classes in which the design is registered.

Definition of
proprietor.

LXI. The author of any new and original design shall be considered the proprietor thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case such person shall be considered the proprietor, and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to any such article or substance as aforesaid, either exclusively of any other person or otherwise, and also every person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in respect in which the same may have been so acquired, and to that extent, but not otherwise.

PART V
GENERAL.

PART V.

GENERAL.

Patent Office and Proceedings thereat.

Patent
Office

LXXXII. (1) The Treasury may provide for the purposes of this Act an office with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, the Patent Office.

(2) Until a new patent office is provided, the offices of the Commissioners of Patents for inventions and for the registration of designs and trade marks existing at the commencement of this Act shall be the patent office within the meaning of this Act.

(3) The patent office shall be under the immediate control of an officer called the comptroller-general of patents, designs, and trade

marks, who shall act under the superintendence and direction of the Board of Trade.

(4) Any Act or thing directed to be done by or to the comptroller may, in his absence, be done by or to any officer for the time being in that behalf authorized by the Board of Trade.

LXXXIII. (1) The Board of Trade may at any time after the passing of this Act, and from time to time, subject to the approval of the Treasury, appoint the comptroller-general of patents, designs, and trade marks, and so many examiners and other officers and clerks, with such designations and duties as the Board of Trade think fit, and may from time to time remove any of those officers and clerks. Officers and Clerks.

(2) The salaries of those officers and clerks shall be appointed by the Board of Trade, with the concurrence of the Treasury, and the same and the other expenses of the execution of this Act shall be paid out of money provided by Parliament.

LXXXIV. There shall be a seal for the patent office, and impressions thereof shall be judicially noticed and admitted in evidence. Seal of patent office.

LXXXV. There shall not be entered in any register kept under this Act, or be receivable by the comptroller, any notice of any trust expressed, implied, or constructive. Trust not to be entered in registers.

LXXXVI. The comptroller may refuse to grant a patent for an invention, or to register a design or trade mark, of which the use would, in his opinion, be contrary to law or morality. Refusal to grant patent, &c., in certain cases.

LXXXVII. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, or to a registered trade mark, the comptroller shall on request, and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the patent, copyright in the design, or trade mark, in the register of patents, designs, or trade marks, as the case may be. The person for the time being entered in the register of patents, designs, or trade marks, as proprietor of a patent, copyright in a design or trade mark as the case may be, shall, subject (a) to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the same and to give effectual receipts for any consideration for such assignment, licence, or dealing. Provided that any equities in respect of such patent, design, or trade mark may be enforced in like manner as in respect of any other personal property. Entry of assignments and transmissions in registers.

LXXXVIII. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed; and certified copies, sealed with the seal of the patent office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee. Inspection of and extracts from registers.

LXXXIX. Printed or written copies or extracts, purporting to be Sealed copies

(a) "To the provisions of this Act and," added by 51 & 52 Vict. c. 50, s. 21.

to be received
in evidence.

certified by the comptroller and sealed with the seal of the patent office, of or from patents, specifications, disclaimers and other documents in the patent office, and of or from registers and other books kept there, shall be admitted in evidence in all courts in Her Majesty's dominions, and in all proceedings, without further proof or production of the originals.

Rectification
of registers
by court.

XC. (1) The Court may on the application of any person aggrieved by the omission without sufficient cause of the name of any person (*a*) from any register kept under this Act, or by any entry made without sufficient cause in any such register, make such order for making, expunging, or varying the entry, as the court thinks fit; or the court may refuse the application; and in either case may make such order with respect to the costs of the proceedings as the court thinks fit.

(2) The court may in any proceeding under this section decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved.

(3) Any order of the court rectifying a register shall direct that due notice of the rectification be given to the comptroller.

Power for
comptroller
to correct
clerical errors.

XCI. The comptroller may, on request in writing accompanied by the prescribed fee,—

- (*a*) Correct any clerical error in or in connection with an application for a patent, or for registration of a design or trade mark; or
- (*b*) Correct any clerical error in the name, style, or address of the registered proprietor of a patent, design, or trade mark.
- (*c*) Cancel the entry or part of the entry of a trade mark on the register: Provided that the applicant accompanies his request by a statutory declaration made by himself, stating his name, address, and calling, and that he is the person whose name (*b*) appears on the register as the proprietor of the said trade mark.

Falsification
of entries in
registers.

XCIII. If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanor.

Exercise of
discretionary
power by
comptroller.

XCIV. Where any discretionary power is by this Act given to the comptroller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, or for registration of a trade mark or design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard personally or by his agent.

(*a*) "Or of any other particulars," added by 51 & 52 Vict. c. 53, s. 23.
(*b*) See addition by 51 & 52 Vict. c. 50, s. 24.

XCV. The Comptroller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to either of the law officers for directions in the matter.

XCVI. A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

XCVII. (1) Any application, notice, or other document authorised or required to be left, made, or given at the patent office or to the comptroller, or to any other person under this Act, may be sent by a prepaid letter through the post; and if so sent shall be deemed to have been left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post.

(2) In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

XCVIII. Whenever the last day fixed by this Act, or by any rule for the time being in force, for leaving any document or paying any fee at the patent office shall fall on Christmas Day, Good Friday, or on a Saturday or Sunday, or any day observed as a holiday at the Bank of England, or any day observed as a day of public fast or thanksgiving, herein referred to as excluded days, it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days if two or more of them occur consecutively.

XCIX. If any person is, by reason of infancy, lunacy, or other inability, incapable of making any declaration or doing anything required or permitted by this Act or by any rules made under the authority of this Act, then the guardian or committee (if any) of such incapable person, or if there be none, any person appointed by any court or judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall for the purposes of this Act be as effectual as if done by the person for whom he is substituted.

CI. (1) The Board of Trade may from time to time make such general rules and do such things as they think expedient, subject to the provisions of this Act—

- (a) For regulating the practice of registration under this Act :
- (b) For classifying goods for the purposes of designs and trade marks :
- (c) For making or requiring duplicates of specifications, amendments, drawings, and other documents :
- (d) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade

Power of comptroller to take directions of law officers.
Certificate of comptroller to be evidence.

Applications and notices by post.

Provision as to days for leaving documents at office.

Declaration by infant, lunatic, &c.

Power for Board of Trade to make general rules for classifying goods and regulating business of patent office.

think fit, of specifications, drawings, amendments, and other documents :

- (e) For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgements of, specifications, and other documents in the patent office; and providing for the inspection of indexes and abridgements and other documents :
 - (f) For regulating (with the approval of the Treasury) the presentation of copies of patent office publications to patentees and to public authorities, bodies, and institutions at home and abroad :
 - (g) Generally for regulating the business of the patent office, and all things by this Act placed under the direction or control of the comptroller, or of the Board of Trade.
- (2) Any of the forms in the first schedule to this Act may be altered or amended by rules made by the Board as aforesaid.
- (3) General rules may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act, and shall (subject as hereinafter mentioned) be of the same effect as if they were contained in this Act, and shall be judicially noticed.
- (4) Any rules made in pursuance of this section shall be laid before both Houses of Parliament, if Parliament be in session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next session of Parliament, and they shall also be advertised twice in the official journal to be issued by the comptroller.
- (5) If either House of Parliament, within the next forty days after any rules have been so laid before such House, resolve that such rules or any of them ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule or to the making of any new rules or rule.

Annual reports of comptroller.

CII. The comptroller shall, before the first day of June in every year, cause a report respecting the execution by or under him of this Act to be laid before both Houses of Parliament, and therein shall include for the year to which each report relates all general rules made in that year under or for the purposes of this Act, and an account of all fees, salaries, and allowances, and other money received and paid under this Act (a).

International and Colonial Arrangements.

International arrangements for protection of inventions, designs, and trade marks.

CIII. (1) If Her Majesty is pleased to make any arrangement with the government or governments of any foreign state or states for mutual protection of inventions, designs, and trade marks, or any of them, then any person who has applied for protection for any invention, design, or

(a) See addition by 50 & 51 Vict. c. 50, s. 25.

trade mark in any such state, shall be entitled to a patent for his invention or to registration of his design or trade mark (as the case may be) under this Act, in priority to other applicants; and such patent or registration shall have the same date as the date of the protection obtained in such foreign state.

Provided that his application is made, in the case of a patent within seven months, and in the case of a design or trade mark within four months, from his applying for protection in the foreign state with which the arrangement is in force.

Provided that nothing in this section contained shall entitle the patentee or proprietor of the design or trade mark to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification, or the actual registration of his design or trade mark in this country, as the case may be.

(2) The publication in the United Kingdom, or the Isle of Man during the respective periods aforesaid of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade mark, shall not invalidate the patent which may be granted for the invention, or the registration of the design or trade mark:

(3) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this section, must be made in the same manner as an ordinary application under this Act: Provided that, in the case of trade marks, any trade mark the registration of which has been duly applied for in the country of origin may be registered under this Act:

(4) The provisions of this section shall apply only in the case of those foreign states with respect to which Her Majesty shall from time to time by Order in Council declare them to be applicable, and so long only in the case of each state as the Order in Council shall continue in force with respect to that state.

CIV. (1) Where it is made to appear to Her Majesty that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade marks, patented or registered in this country, it shall be lawful for Her Majesty from time to time, by Order in Council, to apply the provisions of the last preceding section, with such variations or additions, if any, as to Her Majesty in Council may seem fit, to such British possession.

Provision for colonies and India.

(2) An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order, take effect as if its provisions had been contained in this Act; but it shall be lawful for Her Majesty in Council to revoke any Order in Council made under this Act

Offences.

Penalty on
falsely repre-
senting
articles to be
patented.

CV. (1) Any person who represents that any article sold by him is a patented article, when no patent has been granted for the same, or describes any design or trade mark applied to any article sold by him as registered which is not so, shall be liable for every offence on summary conviction to a fine not exceeding five pounds.

(2) A person shall be deemed, for the purposes of this enactment, to represent that an article is patented or a design or a trade mark is registered, if he sells the article with the word "patent," "patented," "registered," or any word or words expressing or implying that a patent or registration has been obtained for the article stamped, engraved, or impressed on, or otherwise applied to, the article.

Scotland; Ireland; &c.

General
saving for
jurisdiction
of courts.

CXI. (1) The provisions of this Act conferring a special jurisdiction on the court as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any court in Scotland or Ireland in any proceedings relating to patents or to designs or to trade marks, and with reference to any such proceedings in Scotland, the term "the court" shall mean any Lord Ordinary of the Court of Session, and the term "Court of Appeal" shall mean either Division of the said Court; and with reference to any such proceedings in Ireland, the terms "the Court" and "the Court of Appeal" respectively mean the High Court of Justice in Ireland and Her Majesty's Court of Appeal in Ireland.

(2) If any rectification of a register under this Act is required in pursuance of any proceeding in a court in Scotland or Ireland, a copy of the order, decree, or other authority for the rectification, shall be served on the comptroller, and he shall rectify the register accordingly.

Isle of Man.

CXII. This Act shall extend to the Isle of Man, and—

(1) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man, in proceedings for infringement or in any action or proceeding respecting a patent, design, or trade mark competent to those courts;

(2) The punishment for a misdemeanor under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding one hundred pounds, at the discretion of the court;

(3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which

offences punishable on summary conviction may for the time being be prosecuted (a).

Repeal; Transitional Provisions; Savings.

- CXIII. The enactments described in the Third Schedule to this Act are hereby repealed. But this repeal of enactments shall not—
- (a) Affect the past operation of any of those enactments, or any patent or copyright or right to use a trade mark granted or acquired, or application pending, or appointment made, or compensation granted, or order or direction made or given, or right, privilege, obligation, or liability acquired, accrued, or incurred, or anything duly done or suffered under or by any of those enactments before or at the commencement of this Act; or
- (b) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect thereof, and any such proceeding may be carried on as if this Act had not been passed; or
- (c) Take away or abridge any protection or benefit in relation to any such action or proceeding.

Repeal and saving for past operation of repealed enactments, &c.

CXIV. (1) The registers of patents and of proprietors kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the register of patents kept under this Act.

Former registers to be deemed continued.

(2) The registers of designs and of trade marks kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the register of designs and the register of trade marks kept under this Act.

CXV. All general rules made by the Lord Chancellor or by any other authority under any enactment repealed by this Act, and in force at the commencement of this Act, may at any time after the passing of this Act be repealed, altered or amended by the Board of Trade, as if they had been made by the Board under this Act, but so that no such repeal, alteration or amendment shall take effect before the commencement of this Act; and, subject as aforesaid, such general rules shall, so far as they are consistent with and are not superseded by this Act, continue in force as if they had been made by the Board of Trade under this Act.

Saving for existing rules.

CXVI. Nothing in this Act shall take away, abridge, or prejudicially affect the prerogative of the Crown in relation to the granting of any letters patent or to the withholding of a grant thereof.

Saving for prerogative.

General Definitions.

CXVII. (1) In and for the purposes of this Act, unless the context otherwise requires,—

General definitions.

“Person” includes a body corporate:

“The Court” means (subject to the provisions for Scotland, Ireland,

(a) See addition, 51 & 52 Vict. c. 50, s. 26.

and the Isle of Man) Her Majesty's High Court of Justice in England :

“ Law Officer ” means Her Majesty's Attorney-General or Solicitor-General for England :

“ The Treasury ” means the Commissioners of Her Majesty's Treasury ;

“ Comptroller ” means the Comptroller General of Patents, Designs, and Trade Marks :

“ Prescribed ” means prescribed by any of the Schedules to this Act, or by general rules under or within the meaning of this Act :

“ British possession ” means any territory or place situate within Her Majesty's dominions, and not being or forming part of the United Kingdom, or of the Channel Islands, or of the Isle of Man, and all territories and places under one legislature, as hereinafter defined, are deemed to be one British possession for the purposes of this Act :

“ Legislature ” includes any person or persons who exercise legislative authority in the British possession ; and where there are local legislatures as well as a central legislature, means the central legislature only.

In the application of this Act to Ireland, “ summary conviction ” means a conviction under the Summary Jurisdiction Acts, that is to say, with reference to the Dublin Metropolitan Police District the Acts regulating the duties of justices of the peace and of the police for such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending it.

SCHEDULES.

FIRST SCHEDULE

FORM E

Section 47.

FORM OF APPLICATION FOR REGISTRATION OF DESIGN.

day of 18

You are hereby requested to register the accompanying
 Design, in Class _____ in the name of (a)
 of _____
 who claims to be the Proprietor thereof, and to return the same to
 Statement of nature of Design
 Registration Fees enclosed £ _____ s.

(a) Here insert legibly the name and address of the individual or firm.

To the Comptroller,
 Patent Office, 25, Southampton Buildings, Chancery Lane, W.C.

(Signed).

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Section 113.

21 James I. c. 3. [1623.]	The Statute of Monopolies. In part ; namely,— Sections ten, eleven, and twelve.
5 & 6 Will. IV. c. 62. [1835.] In part.	The Statutory Declarations Act, 1835. In part ; namely,— Section eleven.
5 & 6 Will. IV. c. 83. [1835.]	An Act to amend the law touching letters patent for inventions.
2 & 3 Vict. c. 67. [1839.]	An Act to amend an Act of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to amend the law touching letters patent for inventions."
5 & 6 Vict. c. 100. [1842.]	An Act to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
6 & 7 Vict. c. 65. [1843.]	An Act to amend the laws relating to the copyright of designs.
7 & 8 Vict. c. 69 (a) [1844.] In part.	An Act for amending an Act passed in the fourth year of the reign of His late Majesty, intituled "An Act for the better administration of justice in His Majesty's Privy Council, and to extend its jurisdiction and powers." In part ; namely,— Sections two to five, both included.
13 & 14 Vict. c. 104. [1850.]	An Act to extend and amend the Acts relating to the copyright of designs.
15 & 16 Vict. c. 83. [1852.]	The Patent Law Amendment Act, 1852.
16 & 17 Vict. c. 5. [1853.]	An Act to substitute stamp duties for fees on passing letters patent for inventions, and to provide for the purchase for the public use of certain indexes of specifications.
16 & 17 Vict. c. 115. [1853.]	An Act to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of letters patent and specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act.
21 & 22 Vict. c. 70. [1858.]	An Act to amend the Act of the fifth and sixth years of Her present Majesty, to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
22 Vict. c. 13. [1859.]	An Act to amend the law concerning patents for inventions with respect to inventions for improvements in instruments and munitions of war.
24 & 25 Vict. c. 73. [1861.]	An Act to amend the law relating to the copyright of designs.

(a) Note.—Sections six and seven of this Act are repealed by the Statute Law Revision (No. 2) Act, 1874.

28 & 29 Vict. c. 3. [1865.]	The Industrial Exhibitions Act, 1865.
33 & 34 Vict. c. 27. [1870.]	The Protection of Inventions Act, 1870.
33 & 34 Vict. c. 97. [1870.]	The Stamp Act, 1870. In part; namely,— Section sixty-five, and in the schedule the words and figures. “Certificate of the registration of a design £5 0 0 And see section 65.”
38 & 39 Vict. c. 91. [1875.]	The Trade Marks Registration Act, 1875.
38 & 39 Vict. c. 93. [1875.]	The Copyright of Designs Act, 1875.
39 & 40 Vict. c. 33. [1876.]	The Trade Marks Registration Amendment Act, 1876.
40 & 41 Vict. c. 37. [1877.]	The Trade Marks Registration Extension Act, 1877.
43 & 44 Vict. c. 10. [1880.]	The Great Seal Act, 1880. In part; namely,— Section five.
45 & 46 Vict. c. 72 [1882.]	The Revenue, Friendly Societies, and National Debt Act, 1882. In part; namely,— Section sixteen.

49 & 50 Vict. c. 33. 9

*An Act to amend the Law respecting International and Colonial
Copyright.*

[25th June, 1886.]

WHEREAS by the International Copyright Acts Her Majesty is authorized by Order in Council to direct that as regards literary and artistic works first published in a foreign country the author shall have copyright therein during the period specified in the order, not exceeding the period during which authors of the like works first published in the United Kingdom have copyright:

And whereas at an international conference held at Berne in the month of September one thousand eight hundred and eighty-five, a draft of a convention was agreed to for giving to authors of literary and artistic works first published in one of the countries parties to the convention copyright in such works throughout the other countries parties to the convention:

And whereas, without the authority of Parliament, such convention cannot be carried into effect in Her Majesty's dominions, and consequently Her Majesty cannot become a party thereto, and it is expedient to enable Her Majesty to accede to the convention:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I. (1) This Act may be cited as the International Copyright Act 1886. Short titles and construction.

(2) The Acts specified in the first part of the First Schedule to this Act are in this Act referred to and may be cited by the short titles in that schedule mentioned, and those Acts, together with the enactment specified in the second part of the said schedule, are in this Act collectively referred to as the International Copyright Acts.

The Acts specified in the Second Schedule to this Act may be cited by the short titles in that schedule mentioned, and those Acts are in this Act referred to, and may be cited collectively as the Copyright Acts.

(3) This Act and the International Copyright Acts shall be construed together, and may be cited together as the International Copyright Acts, 1844 to 1886.

II. The following provisions shall apply to an Order in Council under the International Copyright Acts : Amendment as to extent and effect of order under International Copyright Acts.

(1) The order may extend to all the several foreign countries named or described therein :

(2) The order may exclude or limit the rights conferred by the International Copyright Acts in the case of authors who are not subjects or citizens of the foreign countries named or described in that or any other order, and if the order contain such limitation and the author of a literary or artistic work first produced in one of those foreign countries is not a British subject, nor a subject or citizen of any of the foreign countries so named or described, the publisher of such work, unless the order otherwise provides, shall for the purpose of any legal proceedings in the United Kingdom for protecting any copyright in such work be deemed to be entitled to such copyright as if he were the author, but this enactment shall not prejudice the rights of such author and publisher as between themselves :

(3) The International Copyright Acts and an order made thereunder shall not confer on any person any greater right or longer term of copyright in any work than that enjoyed in the foreign country in which such work was first produced.

III. (1) An Order in Council under the International Copyright Acts may provide for determining the country in which a literary or artistic work first produced simultaneously in two or more countries, is to be deemed, for the purpose of copyright, to have been first produced, and for the purposes of this section "country" means the United Kingdom and a country to which an order under the said Acts applies. Simultaneous publication.

(2) Where a work produced simultaneously in the United Kingdom,

and in some foreign country or countries, is by virtue of an Order in Council under the International Copyright Acts deemed for the purposes of copyright to be first produced in one of the said foreign countries, and not in the United Kingdom, the copyright in the United Kingdom shall be such only as exists by virtue of production in the said foreign country, and shall not be such as would have been acquired if the work had been first produced in the United Kingdom.

Modification
of certain
provisions of
International
Copyright
Acts.

IV. (1) Where an order respecting any foreign country is made under the International Copyright Acts the provisions of those Acts with respect to the registry and delivery of copies of works shall not apply to works produced in such country except so far as provided by the order.

(2) Before making an Order in Council under the International Copyright Acts in respect of any foreign country, Her Majesty in Council shall be satisfied that that foreign country has made such provisions (if any) as it appears to Her Majesty expedient to require for the protection of authors of works first produced in the United Kingdom.

Restriction
on trans-
lation.

V. (1) Where a work, being a book or dramatic piece, is first produced in a foreign country to which an Order in Council under the International Copyright Acts applies, the author or publisher, as the case may be, shall, unless otherwise directed by the order, have the same right of preventing the production in and importation into the United Kingdom of any translation not authorized by him of the said work as he has of preventing the production and importation of the original work.

(2) Provided that if after the expiration of ten years, or any other term prescribed by the order, next after the end of the year in which the work, or in the case of a book published in numbers each number of the book, was first produced, an authorized translation in the English language of such work or number has not been produced, the said right to prevent the production in and importation into the United Kingdom of an unauthorized translation of such work shall cease.

(3) The law relating to copyright, including this Act, shall apply to a lawfully produced translation of a work in like manner as if it were an original work.

(4) Such of the provisions of the International Copyright Act, 1852, relating to translations as are unrepealed by this Act shall apply in like manner as if they were re-enacted in this section.

Application
of Act to
existing
works.

VI. Where an Order in Council is made under the International Copyright Acts with respect to any foreign country, the author and publisher of any literary or artistic work first produced before the date at which such order comes into operation shall be entitled to the same rights and remedies as if the said Acts and this Act and the said order had applied to the said foreign country at the date of the said pro-

duction: Provided that where any person has before the date of the publication of an Order in Council lawfully produced any work in the United Kingdom, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such production which are subsisting and valuable at the said date.

VII. Where it is necessary to prove the existence of proprietorship of the copyright of any work first produced in a foreign country to which an Order in Council under the International Copyright Acts applies, an extract from a register, or a certificate, or other document stating the existence of the copyright, or the person who is the proprietor of such copyright, or is for the purpose of any legal proceedings in the United Kingdom deemed to be entitled to such copyright, if authenticated by the official seal of a Minister of State of the said foreign country, or by the official seal or the signature of a British diplomatic or consular officer acting in such country, shall be admissible as evidence of the facts named therein, and all courts shall take judicial notice of every such official seal and signature as is in this section mentioned, and shall admit in evidence, without proof, the documents authenticated by it. Evidence of foreign copyright.

VIII. (1) The Copyright Acts shall, subject to the provisions of this Act, apply to a literary or artistic work first produced in a British possession in like manner as they apply to a work first produced in the United Kingdom: Application of Copyright Acts to colonies.

Provided that—

- (a) the enactments respecting the registry of the copyright in such work shall not apply if the law of such possession provides for the registration of such copyright; and
- (b) where such work is a book the delivery to any persons or body of persons of a copy of any such work shall not be required.

(2) Where a register of copyright in books is kept under the authority of the government of a British possession, an extract from that register purporting to be certified as a true copy by the officer keeping it, and authenticated by the public seal of the British possession, or by the official seal or the signature of the governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession, shall be admissible in evidence of the contents of that register, and all courts shall take judicial notice of every such seal and signature, and shall admit in evidence, without further proof, all documents authenticated by it.

(3) Where before the passing of this Act an Act or ordinance has been passed in any British possession respecting copyright in any literary or artistic works, Her Majesty in Council may make an order modifying the Copyright Acts and this Act, so far as they apply to such British possession, and to literary and artistic works first produced therein, in such manner as to Her Majesty in Council seems expedient.

(4) Nothing in the Copyright Acts or this Act shall prevent the

passing in a British possession of any Act or ordinance respecting the copyright within the limits of such possession of works first produced in that possession.

Application
of Interna-
tional Copy-
right Acts
to colonies.

IX. Where it appears to Her Majesty expedient that an Order in Council under the International Copyright Acts made after the passing of this Act as respects any foreign country, should not apply to any British possession, it shall be lawful for Her Majesty by the same or any other Order in Council to declare that such Order and the International Copyright Acts and this Act shall not, and the same shall not, apply to such British possession, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of such Order; and the expressions in the said Acts relating to Her Majesty's dominions shall be construed accordingly; but save as provided by such declaration the said Acts and this Act shall apply to every British possession as if it were part of the United Kingdom.

Making of
Orders in
Council.

X. (1) It shall be lawful for Her Majesty from time to time to make Orders in Council for the purposes of the International Copyright Acts and this Act, for revoking or altering any Order in Council previously made in pursuance of the said Acts, or any of them.

(2) Any such Order in Council shall not affect prejudicially any rights acquired or accrued at the date of such Order coming into operation, and shall provide for the protection of such rights.

Definitions.

XI. In this Act, unless the context otherwise requires—

The expression "literary and artistic work" means every book, print, lithograph, article of sculpture, dramatic piece, musical composition, painting, drawing, photograph, and other work of literature and art to which the Copyright Acts or the International Copyright Acts, as the case requires, extend.

The expression "author" means the author, inventor, designer, engraver, or maker of any literary or artistic work, and includes any person claiming through the author; and in the case of a posthumous work means the proprietor of the manuscript of such work and any person claiming through him; and in the case of an encyclopædia, review, magazine, periodical work, or work published in a series of books or parts, includes the proprietor, projector, publisher, or conductor.

The expressions "performed" and "performance" and similar words include representation and similar words.

The expression "produced" means, as the case requires, published or made, or, performed or represented, and the expression "production" is to be construed accordingly.

The expression "book published in numbers" includes any review, magazine, periodical work, work published in a series of books or parts, transactions of a society or body, and other books of which different volumes or parts are published at different times.

The expression "treaty" includes any convention or arrangement,

The expression "British possession" includes any part of Her Majesty's dominions exclusive of the United Kingdom; and where parts of such dominions are under both a central and a local legislature, all parts under one central legislature are, for the purposes of this definition, deemed to be one British possession.

XII. The Acts specified in the Third Schedule to this Act are hereby repealed as from the passing of this Act to the extent in the third column of that schedule mentioned: Repeal of Acts.

Provided as follows:

- (a) Where an Order in Council has been made before the passing of this Act under the said Acts as respects any foreign country the enactments hereby repealed shall continue in full force as respects that country until the said Order is revoked.
- (b) The said repeal and revocation shall not prejudice any rights acquired previously to such repeal or revocation, and such rights shall continue and may be enforced in like manner as if the said repeal or revocation had not been enacted or made.

FIRST SCHEDULE.

INTERNATIONAL COPYRIGHT ACTS.

PART I.

Session and Chapter.	Title.	Short Title.
7 & 8 Vict. c. 12	An Act to amend the law relating to International Copyright.	The International Copyright Act, 1844.
15 & 16 Vict. c. 12	An Act to enable her Majesty to carry into effect a convention with France on the subject of copyright, to extend and explain the International Copyright Acts, and to explain the Acts relating to copyright in engravings.	The International Copyright Act, 1852.
38 & 39 Vict. c. 12	An Act to amend the law relating to International Copyright.	The International Copyright Act, 1875.

PART II.

Session and Chapter.	Title.	Enactment referred to.
25 & 26 Vict. c. 68	An Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works.	Section twelve

SECOND SCHEDULE.

COPYRIGHT ACTS.

Session and Chapter.	Title.	Short Title.
8 Geo. II. c. 13 .	An Act for the encouragement of the arts of designing, engraving and etching, historical and other prints, by vesting the properties thereof in the inventors and engravers during the time therein mentioned.	The Engraving Copyright Act, 1734.
7 Geo. III. c. 38 .	An Act to amend and render more effectual an Act made in the eighth year of the reign of King George the Second, for encouragement of the arts of designing, engraving, and etching, historical and other prints, and for vesting in and securing to Jane Hogarth, widow, the property in certain prints.	The Engraving Copyright Act, 1766.
15 Geo. III. c. 53 .	An Act for enabling the two Universities in England, the four Universities in Scotland, and the several colleges of Eton, Westminster, and Winchester, to hold in perpetuity their copyright in books given or bequeathed to the said universities and colleges for the advancement of useful learning and other purposes of education; and for amending so much of an Act of the eighth year of the reign of Queen Anne, as relates to the delivery of books to the warehouse keeper of the Stationers' Company for the use of the several libraries therein mentioned.	The Copyright Act, 1775.
17 Geo. III. c. 57 .	An Act for more effectually securing the property of prints to inventors and engravers by enabling them to sue for and recover penalties in certain cases.	The Prints Copyright Act, 1777.
54 Geo. III. c. 56 .	An Act to amend and render more effectual an Act of His present Majesty for encouraging the art of making new models and casts of busts and other things therein mentioned, and for giving further encouragement to such arts.	The Sculpture Copyright Act, 1814.
3 Will. IV. c. 15 .	An Act to amend the laws relating to Dramatic Literary Property.	The Dramatic Copyright Act, 1833.

Session and Chapter.	Title.	Short Title.
5 & 6 Will. IV. c. 65 .	An Act for preventing the publication of Lectures without consent.	The Lectures Copyright Act, 1835.
6 & 7 Will. IV. c. 69 .	An Act to extend the protection of copyright in prints and engravings to Ireland.	The Prints and Engravings Copyright Act, 1836.
6 & 7 Will. IV. c. 110 .	An Act to repeal so much of an Act of the fifty-fourth year of King George the Third respecting copyrights, as requires the delivery of a copy of every published book to the libraries of Sion College, the four universities of Scotland, and of the King's Inns in Dublin.	The Copyright Act, 1836.
5 & 6 Vict. c. 45 .	An Act to amend the law of copyright.	The Copyright Act, 1842.
10 & 11 Vict. c. 95 .	An Act to amend the law relating to the protection in the Colonies of works entitled to copyright in the United Kingdom.	The Colonial Copyright Act, 1847.
25 & 26 Vict. c. 68 .	An Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works.	The Fine Arts Copyright Act, 1862.

THIRD SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
7 & 8 Vict. c. 12 .	An Act to amend the law relating to international copyright.	Sections fourteen, seventeen, and eighteen.
15 & 16 Vict. c. 12 .	An Act to enable Her Majesty to carry into effect a convention with France on the subject of copyright, to extend and explain the International Copyright Acts, and to explain the Acts relating to copyright engravings.	Sections one to five both inclusive, and sections eight and eleven.
25 & 26 Vict. c. 68 .	An Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works.	So much of section twelve as incorporates any enactment repealed by this Act.

51 & 52 VICT. c. 17.

An Act to amend the law relating to the Recovery of Penalties for the unauthorized Performance of Copyright Musical Compositions.

[5th July, 1888.]

WHEREAS it is expedient to further amend the law relating to copyright in musical compositions, and to further protect the public from vexatious proceedings for the recovery of penalties for the unauthorized performance of the same :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Provision as to damages.

I. Notwithstanding the provisions of the Act of the session held in the third and fourth years of His Majesty King William the Fourth, chapter fifteen, to amend the laws relating to dramatic literary property, or any other Act in which those provisions are incorporated, the penalty or damages to be awarded upon any action or proceedings, in respect of each and every unauthorized representation or performance of any musical composition, whether published before or after the passing of this Act, shall be such a sum or sums as shall, in the discretion of the court or judge before whom such action or proceedings shall be tried, be reasonable, and the court or judge before whom such action or proceedings shall be tried may award a less sum than forty shillings in respect of each and every such unauthorized representation or performance as aforesaid, or a nominal penalty or nominal damages as the justice of the case may require.

Costs to be in discretion of judge.
45 & 46 Vict. c. 40.

II. The costs of all such actions or proceedings as aforesaid shall be in the absolute discretion of the judge before whom such actions and proceedings shall be tried, and section four of the Copyright (Musical Compositions) Act, 1882, is hereby repealed.

Proprietor not wilfully permitting such performance to be exempt.

III. The proprietor, tenant, or occupier of any place of dramatic entertainment, or other place at which any unauthorized representation or performance of any musical composition, whether published before or after the passing of this Act, shall take place, shall not by reason of such representation or performance be liable to any penalty or damages in respect thereof, unless he shall wilfully cause or permit such unauthorized representation or performance, knowing it to be unauthorized.

Saving for operas and plays.

IV. The provisions of this Act shall not apply to any action or proceedings in respect to a representation or performance of any opera or stage play in any theatre or other place of public entertainment duly licensed in that respect.

Short title.

V. This Act may be cited as the Copyright (Musical Compositions) Act, 1888.

51 & 52 VICT. C. 50.

An Act to amend the Patents, Designs, and Trade Marks Act, 1883.

[24th December, 1888.]

WHEREAS it is expedient to amend the Patents, Designs, and Trade Marks Act, 1883, hereinafter referred to as the principal Act : 46 & 47 Vict. c. 57.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

VI. After sub-section one of section fifty-two of the principal Act the following words shall be added ; namely, Sect. 52, as to inspection of designs.

“ Provided that where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.”

VII. (1) In section fifty-eight of the principal Act the words “ or cause to be applied ” shall be added after the word “ apply.” Sect. 58, as to piracy of registered designs.

(2) To the same section the following words shall be added : “ Provided that the total sum forfeited in respect of any one design shall not exceed one hundred pounds.”

XXI. In section eighty-seven of the principal Act, after the words “ subject to ” shall be added the words “ the provisions of this Act and to.” Sect. 87, as to entry of assignments, &c.

XXII. In section eighty-eight of the principal Act, after the words “ subject to ” shall be added the words “ the provisions of this Act and to.” Sect. 88, as to inspection.

XXIII. In section ninety of the principal Act, after the words “ of the name of any person,” shall be added the words “ or of any other particulars.” Sect. 90, as to rectification of register.

XXIV. To section ninety-one of the principal Act the following sub-section shall be added ; namely, Sect. 91, as to correction of errors.

“ (d) Permit an applicant for registration of a design or trade mark to amend his application by omitting any particular goods or classes of goods in connexion with which he has desired the design or trade mark to be registered.”

XXV. After section one hundred and two of the principal Act the following section shall be added and numbered 102A ; namely, Proceedings of Board of Trade.

“ (1) All things required or authorized under this Act to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or an assistant secretary of the Board.

“ (2) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorized in that behalf by the President of

the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

“(3) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.”

Jurisdiction
of Lancashire
Palatine
Court.

XXVI. After section one hundred and twelve of the principal Act the following section shall be added and numbered 112A ; namely,

“The Court of Chancery of the County Palatine of Lancaster shall with respect to any action or other proceeding in relation to trade marks the registration whereof is applied for in the Manchester Office, have the like jurisdiction under this Act as Her Majesty’s High Court of Justice in England, and the expression ‘the court’ in this Act shall be construed and have effect accordingly.

“Provided that every decision of the Court of Chancery of the County Palatine of Lancaster in pursuance of this section shall be subject to the like appeal as decisions of that court in other cases.”

Construction
of principal
Act.

XXVII. The principal Act shall, as from the commencement of this Act, take effect subject to the additions, omissions, and substitutions required by this Act, but nothing in this Act shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Act.

Commence-
ment of Act.

XXVIII. This Act shall, except so far as is by this Act otherwise specially provided, commence and come into operation on the first day of January one thousand eight hundred and eighty-nine.

Short title.

XXIX. This Act may be cited as the Patents, Designs, and Trade Marks Act, 1888, and this Act and the Patents, Designs, and Trade Marks Acts, 1883 to 1886, may be cited collectively as the Patents, Designs, and Trade Marks Acts, 1883 to 1888.

2 EDW. VII. c. 15. *M*

An Act to amend the Law relating to Musical Copyright.

[22nd July, 1902.]

Be it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Seizure, &c.,
of pirated
copies.

I. A court of summary jurisdiction, upon the application of the owner of the copyright in any musical work, may act as follows : If satisfied by evidence that there is reasonable ground for believing that pirated copies of such musical work are being hawked, carried about, sold, or offered for sale, may, by order, authorize a constable to seize such copies without warrant and to bring them before the court, and

the court, on proof that the copies are pirated, may order them to be destroyed or to be delivered up to the owner of the copyright if he makes application for that delivery.

II. If any person shall hawk, carry about, sell, or offer for sale any pirated copy of any musical work, every such pirated copy may be seized by any constable without warrant, on the request in writing of the apparent owner of the copyright in such work, or of his agent thereto authorized in writing, and at the risk of such owner. Power to
seize copies
on hawkers.

On seizure of any such copies, they shall be conveyed by such constable before a court of summary jurisdiction, and, on proof that they are infringements of copyright, shall be forfeited or destroyed, or otherwise dealt with as the court may think fit.

III. "Musical copyright" means the exclusive right of the owner of such copyright under the Copyright Acts in force for the time being to do or to authorize another person to do all or any of the following things in respect of a musical work : Definitions.

- (1) To make copies by writing or otherwise of such musical work.
- (2) To abridge such musical work.
- (3) To make any new adaptation, arrangement, or setting of such musical work, or of the melody thereof, in any notation or system.

"Musical work" means any combination of melody and harmony, or either of them, printed, reduced to writing, or otherwise graphically produced or reproduced.

"Pirated musical work" means any musical work written, printed, or otherwise reproduced, without the consent lawfully given by the owner of the copyright in such musical work.

IV. This Act may be cited as the Musical (Summary Proceedings) Copyright Act, 1902, and shall come into operation on the first day of October one thousand nine hundred and two, and shall apply only to the United Kingdom. Short title
and com-
mencement.

(APPENDIX B).



THE BERNE CONVENTION.

ARTICLE I.

The Contracting States [*which were Great Britain, Germany, Belgium, Spain, France, Haiti, Switzerland, and Tunis*] (a) are constituted into an Union for the protection of the rights of authors over their literary and artistic works.

ARTICLE II.

Authors of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries for their works, whether published in one of those countries or unpublished, the rights which the respective laws do now or may hereafter grant to natives (b).

The enjoyment of these rights is subject to the accomplishment of the conditions and formalities prescribed by law in the country of origin of the work, and cannot exceed in the other countries the term of protection granted in the said country of origin.

The country of origin of the work is that in which the work is first published, or if such publication takes place simultaneously in several countries of the Union, that one of them in which the shortest term of protection is granted by law.

For unpublished works the country to which the author belongs is considered the country of origin of the work.

ARTICLE III.

The stipulations of the present Convention apply equally to the publishers of literary and artistic works published in one of the countries of the Union, but of which the authors belong to a country which is not a party to the Union (c).

ARTICLE IV.

The expression "literary and artistic works" comprehends books,

(a) Luxembourg has acceded to the Convention, as from 20th June, 1888 ; Monaco, as from 30th May, 1889 ; Norway, as from 13th April, 1896 ; Japan, as from 15th July, 1899 ; and Denmark, as from 1st July, 1903.

(b) Modified by Article I. of Additional Act of Paris see *post*

(c) But see Additional Act of Paris, *post*.

pamphlets, and all other writings ; dramatic or dramatico-musical works, musical compositions with or without words ; works of design, painting, sculpture, and engraving ; lithographs, illustrations, geographical charts ; plans, sketches, and plastic works relative to geography, topography, architecture, or science in general ; in fact, every production whatsoever in the literary, scientific, or artistic domain which can be published by any mode of impression or reproduction.

ARTICLE V.

Authors of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works until the expiration of ten years from the publication of the original work in one of the countries of the Union (*a*).

For works published in incomplete parts ("livraisons") the period of ten years commences from the date of publication of the last part of the original work.

For works composed of several volumes published at intervals, as well as for bulletins or collections ("cahiers") published by literary or scientific societies, or by private persons, each volume, bulletin, or collection is, with regard to the period of ten years, considered as a separate work.

In the cases provided for by the present Article, and for the calculation of the period of protection, the 31st December of the year in which the work was published is admitted as the date of publication.

ARTICLE VI.

Authorized translations are protected as original works. They consequently enjoy the protection stipulated in Articles II. and III. as regards their unauthorized reproduction in the countries of the Union.

It is understood that, in the case of a work for which the translating right has fallen into the public domain, the translator cannot oppose the translation of the same work by other writers.

ARTICLE VII.

Articles from newspapers or periodicals published in any of the countries of the Union may be reproduced in original or in translation in the other countries of the Union, unless the authors or publishers have expressly forbidden it. For periodicals it is sufficient if the prohibition is made in a general manner at the beginning of each number of the periodical.

This prohibition cannot in any case apply to articles of political discussion, or to the reproduction of news of the day or *current topics* (*b*).

(*a*) See Additional Act of Paris, *post*.

(*b*) *Ibid*.

ARTICLE VIII.

As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational or scientific purposes, or for chrestomathies, the matter is to be decided by the legislation of the different countries of the Union, or by special arrangements existing or to be concluded between them.

ARTICLE IX.

The stipulations of Article II. apply to the public representation of dramatic or dramatico-musical works, whether such works be published or not.

Authors of dramatic or dramatico-musical musical works, or their lawful representatives, are, during the existence of their exclusive right of translation, equally protected against the unauthorized public representation of translations of their works.

The stipulations of Article II. apply equally to the public performance of unpublished musical works, or of published works in which the author has expressly declared on the title-page or commencement of the work that he forbids the public performance.

ARTICLE X.

Unauthorized indirect appropriations of a literary or artistic work, of various kinds, such as *adaptations, arrangements of music, &c.*, are specially included amongst the illicit reproductions to which the present Convention applies, when they are only the reproduction of a particular work, in the same form, or in another form, with non-essential alterations, additions, or abridgments, so made as not to confer the character of a new original work.

It is agreed that, in the application of the present Article, the Tribunals of the various countries of the Union will, if there is occasion, conform themselves to the provisions of their respective laws.

ARTICLE XI.

In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be considered as such, and be consequently admitted to institute proceedings against pirates before the courts of the various countries of the Union, it will be sufficient that their name be indicated on the work in the accustomed manner.

For anonymous or pseudonymous works, the publisher whose name is indicated on the work is entitled to protect the rights belonging to the author. He is, without other proof, reputed the lawful representative of the anonymous or pseudonymous author.

It is, nevertheless, agreed that the Tribunals may, if necessary,

require the production of a certificate from the competent authority to the effect that the formalities prescribed by law in the country of origin have been accomplished, as contemplated in Article II.

ARTICLE XII.

Pirated works may be seized on importation into those countries of the Union where the original work enjoys legal protection.

The seizure shall take place conformably to the domestic law of each State (a).

ARTICLE XIII.

It is understood that the provisions of the present Convention cannot in any way derogate from the right belonging to the Government of each country of the Union, to permit, to control, or to prohibit, by measures of domestic legislation or police, the circulation, representation, or exhibition of any works or productions in regard to which the competent authority may find it necessary to exercise that right.

ARTICLE XIV.

Under the reserves and conditions to be determined by common agreement (b), the present Convention applies to all works which at the moment of its coming into force have not yet fallen into the public domain in the country of origin.

ARTICLE XV.

It is understood that the Governments of the countries of the Union reserve to themselves respectively the right to enter into separate and particular arrangements between each other, provided always that such arrangements confer upon authors or their lawful representatives more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention.

ARTICLE XVI.

An international office is established, under the name of "Office of the International Union for the Protection of Literary and Artistic Works."

This office, of which the expenses will be borne by the Administrations of all the countries of the Union, is placed under the high authority of the Superior Administration of the Swiss Confederation, and works under its direction. The functions of this office are determined by common accord between the countries of the Union.

(a) See Additional Act of Paris, *post*.

(b) See paragraph 4 of Final Protocol.

ARTICLE XVII.

The present Convention may be submitted to revisions in order to introduce therein amendments calculated to perfect the system of the Union.

Questions of this kind, as well as those which are of interest to the Union in other respects, will be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries.

It is understood that no alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

ARTICLE XVIII.

Countries which have not become parties to the present Convention, and which grant by their domestic law the protection of rights secured by this Convention, shall be admitted to accede thereto on request to that effect.

Such accession shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

Such accession shall imply full adhesion to all the clauses and admission to all the advantages provided by the present Convention.

ARTICLE XIX.

Countries acceding to the present Convention shall also have the right to accede thereto at any time for their colonies or foreign possessions.

They may do this either by a general declaration comprehending all their colonies or possessions within the accession, or by specially naming those comprised therein, or by simply indicating those which are excluded.

ARTICLE XX.

The present Convention shall be put in force three months after the exchange of the ratifications, and shall remain in effect for an indefinite period until the termination of a year from the day on which it may have been denounced.

Such denunciation shall be made to the Government authorized to receive accessions (a), and shall only be effective as regards the country making it, the Convention remaining in full force and effect for the other countries of the Union.

ARTICLE XXI.

The present Convention shall be ratified, and the ratifications exchanged at Berne, within the space of one year at the latest.

(a) *i.e.*, the Swiss Confederation. See Additional Act of Paris, *post*.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Berne, the 9th day of September, 1886.

Additional Article.

The Plenipotentiaries assembled to sign the Convention concerning the creation of an International Union for the protection of literary and artistic works have agreed upon the following Additional Article, which shall be ratified together with the Convention to which it relates :

The Convention concluded this day in no wise affects the maintenance of existing Conventions between the Contracting States, provided always that such Conventions confer on authors, or their lawful representatives, rights more extended than those secured by the Union or contain other stipulations which are not contrary to the said Convention.

In witness whereof, the respective Plenipotentiaries have signed the present Additional Article.

Done at Berne, the 9th day of September, 1886.

Final Protocol.

In proceeding to the signature of the Convention concluded this day, the undersigned Plenipotentiaries have declared and stipulated as follows :

1. As regards Article IV. it is agreed that those countries of the Union where the character of artistic works is not refused to photographs, engage to admit them to the benefits of the Convention concluded to-day from the date of its coming into effect. They are, however, not bound to protect the authors of such works further than is permitted by their own legislation, except in the case of international engagements already existing, or which may hereafter be entered into by them.

It is understood that an authorized photograph of a protected work of art shall enjoy legal protection in all the countries of the Union, as contemplated by the said Convention, for the same period as the principal right of reproduction of the work itself subsists, and within the limits of private arrangements between those who have legal rights (a).

2. As regards Article IX. it is agreed those countries of the Union whose legislation implicitly includes choregraphic works amongst dramatico-musical works, expressly admit the former works to the benefits of the Convention concluded this day.

It is, however, understood that questions which may arise on the application of this clause shall rest within the competence of the respective Tribunals to decide.

(a) See Additional Act of Paris, *post.*

3. It is understood that the manufacture and sale of instruments for the mechanical reproduction of musical airs which are copyright, shall not be considered as constituting an infringement of musical copyright.

4. The common agreement alluded to in Article XIV. of the Convention is established as follows :

The application of the Convention to works which have not fallen into the public domain at the time when it comes into force, shall operate according to the stipulations on this head which may be contained in special Conventions either existing or to be concluded.

In the absence of such stipulations between any countries of the Union, the respective countries shall regulate, each for itself, by its domestic legislation, the manner in which the principle contained in Article XIV. is to be applied (*a*).

5. The organization of the International Office established in virtue of Article XVI. of the Convention shall be fixed by a regulation which shall be drawn up by the Government of the Swiss Confederation.

The official language of the International Office will be French.

The International Office will collect all kinds of information relative to the protection of the rights of authors over their literary and artistic works. It will arrange and publish such information. It will study questions of general utility likely to be of interest to the Union, and, by the aid of documents placed at its disposal by the different Administrations, will edit a periodical publication in the French language treating questions which concern the Union. The Governments of the countries of the Union reserve to themselves the faculty of authorizing, by common accord, the publication by the Office of an edition in one or more other languages if experience should show this to be requisite.

The International Office will always hold itself at the disposal of members of the Union, with the view to furnish them with any special information they may require relative to the protection of literary and artistic works.

The Administration of the country where a Conference is about to be held, will prepare the programme of the Conference with the assistance of the International Office.

The Director of the International Office will attend the sittings of the Conferences, and will take part in the discussions without a deliberative voice. He will make an annual report on his administration, which shall be communicated to all the members of the Union.

The expenses of the Office of the International Union shall be shared by the Contracting States. Unless a fresh arrangement be made, they cannot exceed a sum of 60,000 francs a year. This sum may be increased by the decision of one of the Conferences provided for in Article XVII.

The share of the total expense to be paid by each country shall be determined by the division of the Contracting and Acceding States into

(*a*) See Additional Act of Paris, *post*.

six classes, each of which shall contribute in the proportion of a certain number of units, viz. :

First Class	25 units.
Second „	20 „
Third „	15 „
Fourth „	10 „
Fifth „	5 „
Sixth „	3 „

These co-efficients will be multiplied by the number of States of each class, and the total product thus obtained will give the number of units by which the total expense is to be divided. The quotient will give the amount of the unity of expense.

Each State will declare, at the time of its accession, in which of the said classes it desires to be placed.

The Swiss Administration will prepare the Budget of the Office, superintend its expenditure, make the necessary advances, and draw up the annual account, which shall be communicated to all the other Administrations.

6. The next Conference shall be held at Paris between four and six years from the date of the coming into force of the Convention.

The French Government will fix the date within these limits after having consulted the International Office.

7. It is agreed that, as regards the exchange of ratifications contemplated in Article XXI., each contracting party shall give a single instrument, which shall be deposited, with those of the other States, in the Government Archives of the Swiss Confederation. Each party shall receive in exchange a copy of the *procès-verbal* of the exchange of ratifications, signed by the Plenipotentiaries present.

The present Final Protocol, which shall be ratified with the Convention concluded this day, shall be considered as forming an integral part of the said Convention, and shall have the same force, effect, and duration.

In witness whereof the respective Plenipotentiaries have signed the same.

Done at Berne, the 9th day of September, 1886.

Procès-verbal of Signature.

The undersigned Plenipotentiaries, assembled this day to proceed with the signature of the Convention with reference to the creation of an International Union for the protection of literary and artistic works, have exchanged the following declarations :

1. With reference to the accession of the colonies or foreign possessions provided for by Article XIX. of the Convention :

The Plenipotentiaries of His Catholic Majesty the King of Spain

reserve to the Government the power of making known His Majesty's decision at the time of the exchange of ratifications.

The Plenipotentiary of the French Republic states that the accession of his country carries with it that of all the French colonies.

The Plenipotentiaries of Her Britannic Majesty state that the accession of Great Britain to the Convention for the protection of literary and artistic works comprises the United Kingdom of Great Britain and Ireland, and all the colonies and foreign possessions of Her Britannic Majesty.

At the same time they reserve to the Government of Her Britannic Majesty the power of announcing at any time the separate denunciation of the Convention by one or several of the following colonies or possessions, in the manner provided for by Article XX. of the Convention, namely :

India, the Dominion of Canada, Newfoundland, the Cape, Natal, New South Wales, Victoria, Queensland, Tasmania, South Australia, Western Australia, and New Zealand.

2. With respect to the classification of the countries of the Union having regard to their contributory part to the expenses of the International Bureau (No. 5 of the Final Protocol):

The Plenipotentiaries declare that their respective countries should be ranked in the following classes, namely :

- Germany in the first class.
- Belgium in the third class.
- Spain in the second class.
- France in the first class.
- Great Britain in the first class.
- Haiti in the fifth class.
- Italy in the first class.
- Switzerland in the third class.
- Tunis in the sixth class.

The Plenipotentiary of the Republic of Liberia states that the powers which he has received from his Government authorize him to sign the Convention, but that he has not received instructions as to the class in which his country proposes to place itself with respect to the contribution to the expenses of the International Bureau. He therefore reserves that question to be determined by his Government, who will make known their intention on the exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present *procès-verbal*.

Done at Berne, the 9th day of September, 1886.

Procès-verbal recording Deposit of Ratifications.

In accordance with the stipulations of Article XXI., paragraph 1, of the Convention for the creation of an International Union for the protection of literary and artistic works, concluded at Berne on the

9th September, 1886, and in consequence of the invitation addressed to that effect by the Swiss Federal Council to the Governments of the High Contracting Parties, the Undersigned assembled this day in the Federal Palace at Berne for the purpose of examining and depositing the ratifications of :

Her Majesty the Queen of Great Britain and Ireland, Empress of India,

His Majesty the German Emperor, King of Prussia,

His Majesty the King of the Belgians,

Her Majesty the Queen Regent of Spain, in the name of His Catholic Majesty the King of Spain,

The President of the French Republic,

The President of the Republic of Haïti,

His Majesty the King of Italy,

The Council of the Swiss Confederation,

His Highness the Bey of Tunis,

to the said International Convention, followed by an Additional Article and Final Protocol.

The instruments of these acts of ratification having been produced and found in good and due form, they have been delivered into the hands of the President of the Swiss Confederation, to be deposited in the Archives of the Government of that country, in accordance with clause No. 7 of the Final Protocol of the International Convention.

In witness whereof the undersigned have drawn up the present *procès-verbal*, to which they have affixed their signatures and the seals of their arms.

Done at Berne, the 5th September, 1887, in nine copies, one of which shall be deposited in the archives of the Swiss Confederation with the instruments of ratification.

For Great Britain .	(L.S.)	F. O. ADAMS.
For Germany .	(L.S.)	ALFRED VON BÜLOW.
For Belgium .	(L.S.)	HENRY LOUMYER
For Spain .	(L.S.)	COMTE DE LA ALMINA.
For France .	(L.S.)	EMMANUEL ARAGO.
For Haïti .	(L.S.)	LOUIS-JOSEPH JANVIER.
For Italy .	(L.S.)	FÈ.
For Switzerland .	(L.S.)	DROZ.
For Tunis .	(L.S.)	H. MARCHAND.

Protocol.

On proceeding to the signature of the *procès-verbal* recording the deposit of the acts of ratification given by the High Parties Signatory to the Convention of the 9th September, 1886, for the creation of an International Union for the protection of literary and artistic works, the Minister of Spain renewed, in the name of his Government, the

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declaration recorded in the *procès-verbal* of the Conference of the 9th September, 1886, according to which the accession of Spain to the Convention includes that of all the territories dependent upon the Spanish Crown.

The Undersigned have taken note of this declaration.

In witness whereof they have signed the present Protocol, done at Berne, in nine copies, the 5th September, 1887.

ORDER IN COUNCIL, 28TH NOVEMBER, 1887.

At the Court at Windsor, the 28th day of November, 1887.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT; LORD STANLEY OF PRESTON; SECRETARY
SIR HENRY HOLLAND, BART.

WHEREAS the Convention of which an English translation is set out in the First Schedule to this Order has been concluded between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the foreign countries named in this Order with respect to the protection to be given by way of copyright to the authors of literary and artistic works :

And whereas the ratifications of the said Convention were exchanged on the fifth day of September one thousand eight hundred and eighty-seven, between Her Majesty the Queen and the Governments of the foreign countries following, that is to say :

Belgium ; France ; Germany ; Haïti ; Italy ; Spain ; Switzerland ; Tunis (a).

And whereas Her Majesty in Council is satisfied that the foreign countries named in this Order have made such provisions as it appears to Her Majesty expedient to require for the protection of authors of works first produced in Her Majesty's dominions.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority committed to Her by the International Copyright Acts, 1844 to 1886, doth order; and it is hereby ordered, as follows :

1. The Convention as set forth in the First Schedule to this Order shall, as from the commencement of this Order, have full effect throughout Her Majesty's dominions, and all persons are enjoined to observe the same.

2. This Order shall extend to the foreign countries following, that is say :

Belgium ; France ; Germany ; Haïti ; Italy ; Spain ; Switzerland ; Tunis ;

(a) The Orders in Council giving effect to the accession to the Union of Luxembourg, Monaco, Norway, Japan, and Denmark are dated respectively 10th August, 1888 ; 15th October, 1889 ; 1st August, 1896 ; 8th August, 1899 ; and 9th October, 1903.

and the above countries are in this Order referred to as the foreign countries of the Copyright Union, and those foreign countries together with Her Majesty's dominions, are in this Order referred to as the countries of the Copyright Union.

3. The author of a literary or artistic work which, on or after the commencement of this Order is first produced in one of the foreign countries of the Copyright Union shall, subject as in this Order and in the International Copyright Acts, 1844 to 1886, mentioned, have as respects that work throughout Her Majesty's dominions, the same right of copyright, including any right capable of being conferred by an Order in Council under section two or section five of the International Copyright Act, 1844, or under any other enactment, as if the work had been first produced in the United Kingdom, and shall have such right during the same period ;

Provided that the author of a literary or artistic work shall not have any greater right or longer term of copyright therein, than that which he enjoys in the country in which the work is first produced.

The author of any literary or artistic work first produced before the commencement of this Order shall have the rights and remedies to which he is entitled under section six of the International Copyright Act, 1886.

4. The rights conferred by the International Copyright Acts, 1844 to 1886, shall, in the case of a literary or artistic work first produced in one of the foreign countries of the Copyright Union by an author who is not a subject or citizen of any of the said foreign countries, be limited as follows, that is to say, the author shall not be entitled to take legal proceedings in Her Majesty's dominions for protecting any copyright in such work, but the publisher of such work shall, for the purpose of any legal proceedings in Her Majesty's dominions for protecting any copyright in such work, be deemed to be entitled to such copyright as if he were the author, but without prejudice to the rights of such author and publisher as between themselves.

5. A literary or artistic work first produced simultaneously in two or more countries of the Copyright Union shall be deemed for the purpose of copyright to have been first produced in that one of those countries in which the term of copyright in the work is shortest.

6. Section six of the International Copyright Act, 1852, shall not apply to any dramatic piece to which protection is extended by virtue of this Order.

7. The Orders mentioned in the Second Schedule to this Order are hereby revoked ;

Provided that neither such revocation, nor anything else in this Order shall prejudicially affect any right acquired or accrued before the commencement of this Order, by virtue of any Order hereby revoked, and any person entitled to such right shall continue entitled thereto, and to the remedies for the same, in like manner as if this Order had not been made.

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8. This Order shall be construed as if it formed part of the International Copyright Act, 1886.

9. This Order shall come into operation on the sixth day of December, one thousand eight hundred and eighty-seven, which day is in this Order referred to as the commencement of this Order.

And the Lords Commissioners of Her Majesty's Treasury are to give the necessary orders herein accordingly.

C. L. PEEL.

FIRST SCHEDULE.

Copyright Convention.

Convention for protecting effectively and in as uniform a manner as possible the rights of authors over their literary and artistic works. Made on the fifth day of September, one thousand eight hundred and eighty-seven, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Majesty the King of the Belgians; Her Majesty the Queen Regent of Spain, in the name of His Catholic Majesty the King of Spain; the President of the French Republic; the President of the Republic of Haïti; His Majesty the King of Italy; the Federal Council of the Swiss Confederation; His Highness the Bey of Tunis.

[Here follows an English Translation of the Convention, with the omission of the formal beginning and end.]

SECOND SCHEDULE.

Orders in Council Revoked.

Orders in Council of the dates named below for securing the privileges of copyright in Her Majesty's dominions to authors of works of literature and the fine arts and dramatic pieces, and musical compositions, first produced in the following foreign countries, namely :

Foreign Country.	Date of Order.
Prussia	27th August, 1846.
Saxony	26th September, 1846.
Brunswick	24th April, 1847.
The States of the Thuringian Union	10th August, 1847.
Hanover	30th October, 1847.
Oldenburg	11th February, 1848.
France	10th January, 1852.
Anhalt-Dessau, and Anhalt-Bernbourg	11th March, 1853.
Hamburgh	25th November, 1853, and 8th July, 1855.
Belgium	8th February, 1855.
Prussia, Saxony, Saxe Weimar	19th October, 1855.
Spain	24th September, 1857, and 20th November, 1880.
The States of Sardinia	4th February, 1861.
Hesse-Darmstadt	5th February, 1862.
Italy	9th September, 1865.
German Empire	24th September, 1886.

The Order in Council of 5th August, 1875, revoking the application of section six of 15 and 16 Victoria and chapter 12 to dramatic pieces referred to in the Order in Council of 10th January, 1852, with respect to works first published in France.

ADDITIONAL ACT OF PARIS.

Additional Act modifying Articles 2, 3, 5, 7, 12, 20, and Numbers 1 and 4 of the Protocole de Clôture of the Convention of the 9th September, 1886.

[Paris, May 4, 1896.]

Art. 1. The International Convention of the 9th September, 1886, is modified as follows:

I. *Art. 2.* The first paragraph of Art. 2 shall run as follows: "Authors belonging to any one of the countries of the Union, or their lawful representatives, shall enjoy in the other countries for their works, whether unpublished, or published for the first time in one of those countries, the rights which the respective laws do now or shall hereafter grant to nationals."

A fifth paragraph is added in these terms: "Posthumous works are included among those to be protected."

II. *Art. 3.* Art. 3 shall run as follows: "Authors not belonging to one of the countries of the Union, who shall have published or caused to be published for the first time their literary or artistic works in a country which is a party to the Union, shall enjoy, in respect of such works, the protection accorded by the Berne Convention, and by the present Additional Act."

III. *Art. 5.* The first paragraph of Art. 5 shall run as follows: "Authors belonging to any one of the countries of the Union, or their lawful representatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works during the entire period of their right over the original work. Nevertheless, the exclusive right of translation shall cease to exist if the author shall not have availed himself of it during a period of ten years from the date of the first publication of the original work, by publishing or causing to be published in one of the countries of the Union a translation in the language for which protection is to be claimed."

IV. *Art. 7.* Art. 7 shall run as follows: "Serial stories, including tales, published in the newspapers or periodicals of one of the countries of the Union, may not be reproduced, in original or translation, in the other countries without the sanction of the authors or of their lawful representatives."

"This stipulation shall apply equally to other articles in newspapers or periodicals, when the authors or editors shall have expressly declared in the newspaper or periodical itself in which they shall have been published that the right of reproduction is prohibited. In the case of periodicals it shall suffice if such prohibition be indicated in general terms at the beginning of each number."

"In the absence of prohibition, such articles may be reproduced on condition that the source is acknowledged."

“In any case, the prohibition shall not apply to articles on political questions, to the news of the day, or to miscellaneous information.”

V. *Art. 12.* Art. 12 shall run as follows: “Pirated works may be seized by the competent authorities of the countries of the Union where the original work is entitled to legal protection.

“The seizure shall take place conformably to the domestic law of each State.”

VI. *Art. 20.* The second paragraph of Art. 20 shall run as follows; “Such denunciation shall be made to the Government of the Swiss Confederation. It shall only be effective as regards the country making it, the Convention remaining in full force and effect for the other countries of the Union.”

Art. 2. The Final Protocol annexed to the Convention of the 9th September, 1886, is modified as follows:

I. *No. 1.* This clause shall run as follows:

“As regards Art. 4, it is agreed as follows:

“(A) In countries of the Union where protection is accorded not only to architectural plans, but also to the architectural works themselves, these works shall be admitted to the benefits of the Berne Convention and of the present Additional Act.

“(B) Photographic works and works produced by an analogous process shall be admitted to the benefits of these engagements in so far as the laws of each State may permit, and to the extent of the protection accorded by such laws to similar national works.

“It is understood that an authorized photograph of a work of art shall enjoy legal protection in all the countries of the Union, as contemplated by the Berne Convention and by the present Additional Act, for the same period as the principal right of reproduction of the work itself subsists, and within the limits of private arrangements between those who have legal rights.”

II. *No. 4.* This clause shall run as follows:

“The common agreement contemplated in Article 14 of the Convention is established as follows:

“The application of the Berne Convention and of the present Additional Act to works which have not fallen into the public domain within the country of origin at the time when these engagements come into force, shall operate according to such stipulations on this head as may be contained in special Conventions either actually existing or to be concluded hereafter.

“In the absence of such stipulations between any of the countries of the Union, the respective countries shall regulate, each for itself, by its domestic legislation, the manner in which the principle contained in Art. 14 is to be applied.

“The stipulations of Art. 14 of the Berne Convention and of the present clause of the Final Protocol shall apply equally to the exclusive

right of translation, in so far as such right is established by the present Additional Act.

“The temporary stipulations noted above shall be applicable to countries which may hereafter accede to the Union.

Art. 3. The countries of the Union which are not parties to the present Additional Act, shall at any time be allowed to accede thereto on their request to that effect. This stipulation shall apply equally to countries which may hereafter accede to the Convention of the 9th September, 1886. It will suffice for this purpose that such accession should be notified in writing to the Swiss Federal Council, who shall in turn communicate it to the other Governments.

Art. 4. The present Additional Act shall have the same force and duration as the Convention of the 9th September, 1886. It shall be ratified, and the ratifications shall be exchanged at Paris, in the manner adopted in the case of that Convention, as soon as possible, and within the space of one year at the latest.

It shall come into force as regards those countries which shall have ratified it three months after such exchange of ratifications.

Declarations interpreting certain Provisions of the Convention of Berne of September 9, 1886, and of the Additional Act, signed at Paris (a).

[PARIS, May 4, 1896.]

1. By the terms of paragraph 2 of Art. 2 of the Convention, the protection granted by the afore-mentioned Acts depends solely on the accomplishment in the country of origin of the work of the conditions and formalities that may be prescribed by the legislation of that country. The same rule applies to the protection of the photographic works mentioned in No. 1 (b) of the modified “*Protocole de Clôture*.”

2. By *published* works must be understood works actually *published* in one of the countries of the Union. Consequently, the representation of a dramatic or dramatico-musical work, the performance of a musical work, the exhibition of a work of art, do not constitute publication in the sense of the afore-mentioned Acts.

3. The adaptation of a novel into a play, or of a play into a novel, comes under the stipulations of Art. 10. The countries of the Union which are not parties to the present Declaration shall be allowed to accede thereto at any time on their request to that effect. The same rule shall apply to countries which may accede either to the Convention of the 9th September, 1886, or to this Convention, or to the Additional Act of the 4th May, 1896. It will be sufficient for this purpose if a notification be addressed in writing to the Swiss Federal Council, who will, in turn, notify this accession to the other Governments.

(a) This is the “*Interpretative Clause*” not ratified by Great Britain.

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The present Declaration shall have the same force and duration as the Acts to which it refers.

It shall be ratified, and the ratifications shall be exchanged at Paris, in the form adopted for those Acts, as soon as possible, and within a year at the latest.

In witness whereof, &c.

 BRITISH ORDER IN COUNCIL.

[March 7, 1898.]

1. The Additional Act of the Berne Convention shall as from the commencement of this Order have full effect throughout Her Majesty's dominions, and all persons are enjoined to observe the same.

2. This Order shall extend to the foreign countries following, that is to say : Germany, Belgium, Spain, France, Italy, Luxembourg, Monaco, Switzerland, and Tunis.

3. The fourth Article of the Order in Council of November 28, 1887, shall as from the commencement of this Order cease to apply to the foreign countries to which this Order extends.

4. The Order in Council of November 28, 1887, shall continue to be of full force and effect save in so far as the same is varied by this Order.

5. Nothing contained in this Order shall prejudicially affect any right acquired or accrued before the commencement of this Order by virtue of the said Order in Council of November 28, 1887, or otherwise, and any person entitled to such right shall continue entitled thereto and to the remedies for the same in like manner as if this Order had not be made.

6. The author of any literary or artistic work first produced before the commencement of this Order shall have the rights and remedies to which he is entitled under section 6 of the International Copyright Act, 1836.

 TREATY BETWEEN GREAT BRITAIN AND AUSTRIA-HUNGARY.

Convention for the Establishment of International Copyright.

[Vienna, April 24, 1893.]

Art. 1. Authors of literary or artistic works and their legal representatives, including publishers, shall enjoy reciprocally, in the dominions of the High Contracting Parties, the advantages which are, or may be, granted by law there for the protection of works of literature or art.

Consequently, authors of literary or artistic works which have been first published in the dominions of one of the High Contracting Parties, as well as their legal representatives, shall have in the dominions of the other High Contracting Party the same protection and the same legal

remedy against all infringement of their rights, as if the work had been first published in the country where the infringement may have taken place.

In the same manner, the authors of literary or artistic works, and their legal representatives, who are subjects of one of the High Contracting Parties, or who reside within its dominions, shall in the dominions of the other Contracting Party enjoy the same protection and the same legal remedies against all infringements of their rights as though they were subjects of, or residents in, the State in which the infringement may have taken place.

These advantages shall only be reciprocally guaranteed to authors and their legal representatives when the work in question is also protected by the laws of the State where the work was first published, and the duration of protection in the other country shall not exceed that which is granted to authors and their legal representatives in the country where the work was first published.

Art. 2. The right of translation forming part of the copyright, the protection of the right of translation, is assumed under the conditions laid down by this Convention. If ten years after the expiry of the year in which a work to be protected in Her Majesty's dominions on the basis of this Convention has appeared, no translation in English has been published, the right of translating the work into English shall no longer within those dominions exclusively belong to the author.

In the case of a book published in numbers, the aforesaid period of ten years shall commence at the end of the year in which each number is published.

Art. 3. Authorized translations are protected as original works. They consequently enjoy the full protection granted by this Convention against the unauthorized reproduction of original works.

It is understood that in the case of a work for which the translating right has fallen into the public domain, the translator cannot oppose the translation of the same work by other writers.

Art. 4. The expression "literary or artistic works" comprehends books, pamphlets, and all other writings; dramatic or dramatico-musical works, musical compositions, with or without words; works of design, painting, sculpture, and engraving; lithographs, illustrations, geographical charts, plans, sketches, and plastic works relating to geography, topography, architecture, or science in general; in fact, every production whatsoever in the literary, scientific, or artistic domain which can be published by any mode of impression or reproduction.

Art. 5. In the British Empire, and in the Kingdoms and States represented in the Austrian Reichsrath, the enjoyment of the rights secured by the present Convention is subject only to the accomplishment of the conditions and formalities prescribed by the law of that State in which the work is first published; and no further formalities or conditions shall be required in the other country.

Consequently, it shall not be necessary that a work which has obtained legal protection in one country should be registered, or copies thereof deposited in the other country in order that the remedies against infringement may be obtained which are granted in the other country to works first published there.

In the dominions of the Hungarian Crown the enjoyment of these rights is subject, however, to the accomplishment of the conditions and formalities prescribed by the laws and regulations both of Great Britain and of Hungary.

Art. 6. In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be considered as such, and be, consequently, admitted to institute proceedings in respect of the infringement of copyright before the courts of the other State, it will suffice that their name be indicated on the work in the accustomed manner.

The Tribunals may, however, in case of doubt, require the production of such further evidence as may be required by the laws of the respective countries.

For anonymous or pseudonymous works, the publisher whose name is indicated on the work is entitled to protect the rights belonging to the author. He is, without other proof, reputed the legal representative of the anonymous or pseudonymous author, until the latter or his legal representative has declared and proved his rights.

Art. 7. The provisions of the present Convention cannot in any way derogate from the right of each of the High Contracting Parties to control, or to prohibit by measures of domestic legislation or police, the circulation, representation, exhibition, or sale of any book or production.

Each of the High Contracting Parties reserves also its right to prohibit the importation into its own territory of works which, according to its internal laws, or to the stipulations of treaties with other States, are or may be declared to be illicit reproductions.

Art. 8. The provisions of the present Convention shall be applied to literary or artistic works produced prior to the date of its coming into effect, subject, however, to the limitations prescribed by the following regulations :

(a) In the Austro-Hungarian Monarchy—

Copies completed before the coming into force of the present Convention, the production of which has been hitherto allowed, can also be circulated in future.

In the same manner, appliances for the reproduction of works, such as stereotypes, wood blocks, and engraved plates of every description, such as lithographers' stones, if their production has not hitherto been prohibited, may continue to be used during a period of four years from the coming into force of the present Convention.

The distribution of such copies, and the use of the said appliance,

is however, only permitted if an inventory of the said copies and appliances is taken by the Government in question, in consequence of an application of the interested party, within three months from the coming into force of the present Convention, and if these copies and appliances are marked with a special stamp.

Dramatic and dramatico-musical works, or musical compositions legally performed before the coming into force of the present Convention, can also be performed in the future.

(b) In the United Kingdom of Great Britain and Ireland—

The author and publisher of any literary or artistic work first produced before the date at which this Convention comes into effect shall be entitled to all legal remedies against infringement; provided that where any person has, before the date of the publication of the Order in Council putting this Convention into effect, lawfully produced any work in the United Kingdom, any rights or interest arising from or in connection with such production, which are subsisting and valuable at the said date, shall not be diminished or prejudiced.

Art. 9. The provisions of the present Convention shall apply to all the colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India, the Dominion of Canada, Newfoundland, the Cape, Natal, New South Wales, Victoria, Queensland, Tasmania, South Australia, Western Australia, New Zealand.

Provided always that the provisions of the present Convention shall apply to any of the above-named colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative at the Court of His Imperial and Royal Apostolic Majesty, within two years from the date of the exchange of ratifications of the present Convention.

Art. 10. The present Convention shall remain in force for ten years from the day on which the ratifications are exchanged; and in case neither of the two High Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Convention, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

Her Britannic Majesty's Government shall also have the right to denounce the Convention in the same manner, on behalf of any of the colonies or foreign possessions mentioned in Art. 9, separately.

Art. 11. The present Convention shall be ratified, and the ratifications shall be exchanged at Vienna as soon as possible. It shall come into effect ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties respectively.

In witness whereof, &c.

THE LAW OF COPYRIGHT.

REGULATIONS FOR EXECUTION (GREAT BRITAIN).

ORDER IN COUNCIL.

[Windsor, April 30, 1894.]

1. The Convention as set forth in the first schedule to this Order shall, as from the commencement of this Order and subject to Clause 5 of this Order, have full effect throughout Her Majesty's dominions, and all persons are enjoined to observe the same.

2. The author of a literary or artistic work, which, on or after the commencement of this Order is first produced in the Austro-Hungarian Monarchy, shall, subject as in this Order and in the International Copyright Acts, 1844 to 1886, mentioned, have as respects that work, throughout Her Majesty's dominions, but subject to the exceptions specified in Clause 5 of this Order, the same right of copyright, including any right capable of being conferred by an Order in Council under section two or section five of the International Copyright Act, 1844, or under any other enactment, as if the work had been first produced in the United Kingdom, and shall have such right during the same period.

Provided that the author of a literary or artistic work shall not have any greater right or longer term of copyright therein than that which he enjoys in the country in which the work is first produced.

The author of any literary or artistic work first produced before the commencement of this Order shall have the rights and remedies to which he is entitled under section six of the International Copyright Act, 1886.

3. Section six of the International Copyright Act, 1852, shall not apply to any dramatic piece to which protection is extended by virtue of this Order.

4. This Order shall be construed as if it formed part of the International Copyright Act, 1886.

5. This Order shall apply to all the colonies and foreign possessions of Her Majesty, excepting to those hereinafter named, that is to say, except to—

India, the Dominion of Canada, Newfoundland, the Cape, Natal, New South Wales, Victoria, Queensland, Tasmania, South Australia, Western Australia, New Zealand.

Provided nevertheless that the provisions of this Order may be applied by further Order to any of the above-named colonies or foreign possessions on whose behalf notice to the effect indicated in Art. 9 of the Convention shall be given.

6. This Order shall come into operation on the 11th day of May, 1894, which day is in this Order referred to as the commencement of this Order.

ORDER IN COUNCIL.

[Osborne House, Isle of Wight, February 2, 1895.]

. . . Whereas by Clause 5 of the Order in Council, dated the 30th day of April, 1894, it was provided that the said Order should apply to all the colonies and foreign possessions of Her Majesty, excepting to those named in the said clause, but that nevertheless the provisions of the said Order might be applied by further Order to any colonies or foreign possessions named in the said clause on whose behalf notice to the effect indicated in Art. 9 of the said Convention should be duly given :

And whereas the colonies of Newfoundland, Natal, Victoria, Queensland, South Australia, Western Australia, and New Zealand, being some of the colonies excepted from the operation of the said Order, have severally expressed a wish that the said Convention may be made applicable to them, and the notice required by Art. 9 of the said Convention has been duly given on behalf of the above-named colonies by Her Majesty's representatives at the court of His Imperial and Royal Apostolic Majesty : Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority committed to Her by the International Copyright Acts, 1844 to 1886, and of the proviso in Clause 5 of the said Order of the 30th day of April, 1894, and Art. 9 of the said Convention, doth order, and it is hereby ordered, that the provisions of the said Order of the 30th day of April, 1894, shall apply, and the same are applied accordingly to the following colonies, that is to say : Newfoundland, Natal, Victoria, Queensland, South Australia, Western Australia, New Zealand. This Order shall come into operation on and from the date hereof.

ORDER IN COUNCIL.

[Windsor, May 11, 1895.]

The text of this Order is the same as that of the foregoing Order in Council : it concerns only the British possessions of India.

APPENDIX (C).

STATUTES RELATING TO CANADIAN COPYRIGHT.

38 & 39 VICT. c. 53 (IMPERIAL).

An Act to give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright.

[2nd August, 1875.]

WHEREAS by an Order of Her Majesty in Council, dated the 7th day of July, 1868, it was ordered that all prohibitions contained in Acts in the Imperial Parliament against the importing into the Province of Canada, or against the selling, letting out to hire, exposing for sale or hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, should be suspended so far as regarded Canada :

And whereas the Senate and House of Commons of Canada did, in the second session of the third Parliament of the Dominion of Canada, held in the thirty-eighth year of Her Majesty's reign, pass a Bill intituled "An Act respecting Copyrights," which Bill has been reserved by the Governor-General for the signification of Her Majesty's pleasure thereon :

And whereas by the said reserved Bill provision is made, subject to such conditions as in the said Bill are mentioned, for securing in Canada the rights of authors in respect of matters of copyright, and for prohibiting the importation into Canada of any work for which copyright under the said reserved Bill has been secured ; and whereas doubts have arisen whether the said reserved Bill may not be repugnant to the said Order in Council, and it is expedient to remove such doubts and to confirm the said Bill :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title
of Act.

1. This Act may be cited for all purposes as the Canada Copyright Act, 1875.

Definition
of terms.

2. In the construction of this Act the words "book" and "copyright" shall have respectively the same meaning as in the Act of the fifth and

sixth years of Her Majesty's reign, chapter forty-five, intituled "An Act to amend the Law of Copyright."

3. It shall be lawful for Her Majesty in Council to assent to the said reserved Bill as contained in the schedule to this Act annexed, and if Her Majesty shall be pleased to signify Her assent thereto, the said Bill shall come into operation at such time and in such manner as Her Majesty may by Order in Council direct; anything in the Act of the twenty-eighth and twenty-ninth years of the reign of Her Majesty, chapter ninety-three, or in any other Act to the contrary notwithstanding.

4. Where any book in which, at the time when the said reserved Bill comes into operation, there is copyright in the United Kingdom, or any book in which thereafter there shall be such copyright, becomes entitled to copyright in Canada in pursuance of the provisions of the said reserved Bill, it shall be unlawful for any person not being the owner, in the United Kingdom, of the copyright in such book, or some person authorized by him, to import into the United Kingdom any copies of such book reprinted or republished in Canada; and for the purposes of such importation the seventeenth section of the said Act of the fifth and sixth years of the reign of Her Majesty, chapter forty-five, shall apply to all such books in the same manner as if they had been reprinted out of the British Dominions.

5. The said Order in Council, dated the seventh day of July, one thousand eight hundred and sixty-eight, shall continue in force so far as relates to books which are not entitled to copyright for the time being in pursuance of the said reserved Bill.

SCHEDULE (a).

Revised Statutes of Canada, 1886, Chap. 62.

49 VICT. c. 4.

An Act respecting Copyright (b).

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Short Title.

1. This Act may be cited as "The Copyright Act," 38 Vict. c. 88, s. 31.

Interpretation.

2. In this Act, unless the context otherwise requires,—

(a) The expression "the Minister" means the Minister of Agriculture ;

(a) This Schedule contained the text of the Canadian Act of 1875, but this Act has been repealed and replaced by the Act of 1886 next set out.

(b) This Act is substantially the same as the Canadian Act of April 8, 1875 (38 Vict. c. 88), and the references at the end of the various sections are to corresponding sections of that Act.

Interpreta-
tion.
"Minister."

Order in
Council of 7th
July, 1868, to
continue in
force subject
to this Act.

Colonial re-
prints not to
be imported
into United
Kingdom.

Her Majesty
may assent to
the Bill in
schedule.

“Depart-
ment.”

(b) The expression “The Department” means the Department of Agriculture ;

“Legal repre-
sentatives.”

(c) The expression “legal representatives” includes heirs, executors, administrators and assigns, or other legal representatives.

Registers of Copyrights.

Minister of
Agriculture
to keep regis-
ters of
copyrights.

3. The Minister of Agriculture shall cause to be kept, at the Department of Agriculture, books to be called the “Registers of Copyrights,” in which proprietors of literary, scientific, and artistic works or compositions, may have the same registered in accordance with the provisions of this Act. 38 Vict. c. 88, s. 1.

Subjects of Copyright and Conditions to be Complied with.

Who may
obtain copy-
rights.

4. Any person domiciled in Canada or in any part of the British possessions, or any citizen of any country which has an International Copyright Treaty with the United Kingdom, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statue, sculpture, or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such person or citizen, shall have the sole and exclusive right and liberty of printing, reprinting, publishing, reproducing, and vending such literary, scientific, or artistic works or compositions, in whole or in part and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the copyright thereof in the manner hereinafter directed. 38 Vict. c. 88, s. 4, *part.*

Translations.
Term of
copyright.

Condition for
obtaining
copyright.

5. The condition for obtaining such copyright shall be that the said literary, scientific, or artistic works shall be printed and published, or reprinted and republished in Canada, or in the case of works of art that they shall be produced or reproduced in Canada, whether they are so published or produced for the first time, or contemporaneously with or subsequently to publication or production elsewhere; but in no case shall the said sole and exclusive right and liberty in Canada continue to exist after it has expired elsewhere:

Exception as
to immoral
works, &c.

(2) No immoral, licentious, irreligious, or treasonable or seditious literary, scientific, or artistic work, shall be the legitimate subject of such registration or copyright. 38 Vict. c. 88, s. 4, *part.*

Copyright in
Canada of
British copy-
right works—
on what con-
ditions
obtainable.
Proviso.

6. Every work of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Canada, under any Act of the Parliament of Canada, or of the legislature of the late Province of Canada, or of the legislature of any of the Provinces forming part of Canada, shall, when printed and published, or reprinted and republished in Canada, be entitled to copyright under this Act; but nothing in this Act shall be held to

prohibit the importation from the United Kingdom of copies of any such work lawfully printed there :

(2) If any such copyright work is reprinted subsequently to its publication in the United Kingdom, any person who has, previously to the date of entry of such work upon the registers of copyright, imported any foreign reprints, may dispose of such reprints by sale or otherwise ; but the burden of proof of establishing the extent and regularity of the transaction shall, in such case, be upon such person. 38 Vict. c. 88, s. 15.

As to foreign reprints imported before copyright is obtained in Canada.

7. Any literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be registered under this Act while it is so preliminarily published, if the title of the manuscript and a short analysis of the work are deposited at the department, and if every separate article so published is preceded by the words "Registered in accordance with the Copyright Act," but the work, when published in book or pamphlet form, shall be subject, also, to the other requirements of this Act. 38 Vict. c. 88, s. 10, *part*.

Registration of work first published in separate articles in a periodical.

8. If a book is published anonymously, it shall be sufficient to enter it in the name of the first publisher thereof, either on behalf of the unnamed author or on behalf of such first publisher, as the case may be. 38 Vict. c. 88, s. 25.

Anonymous books may be entered in the name of first publisher.

9. No person shall be entitled to the benefit of this Act unless he has deposited at the department two copies of such book, map, chart, musical composition, photograph, print, cut or engraving, and in the case of paintings, drawings, statuary and sculpture, unless he has furnished a written description of such works of art ; and the Minister shall cause the copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by him, or prescribed by the rules and forms made, from time to time, as herein provided. 38 Vict. c. 88, s. 7.

Deposit of copies, &c., with the department.

Record of copyright.

10. The Minister shall cause one of such two copies of such book, map, chart, musical composition, photograph, print, cut or engraving, to be deposited in the Library of the Parliament of Canada. 38 Vict. c. 88, s. 8.

Copies to be sent to the Library of Parliament.

11. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book unless the same contains very important alterations or additions. 38 Vict. c. 88, s. 26.

As to second and subsequent editions.

12. No person shall be entitled to the benefit of this Act unless he gives information of the copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title-page, or on the page immediately following, if it is a book,—or if it is a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if it is a volume of maps, charts, music, engravings or photographs, upon the title-page or frontispiece thereof, the following words, that is to say : "Entered according to Act of the Parliament of Canada, in the year , by A. B., at the Department of Agriculture" ;

Notice of copyright to appear on the work.

Form.

Exception. but as regards paintings, drawings, statuary and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship. 38 Vict. c. 88, s. 9.

Interim copy-right, how obtainable, and its effect. 13. The author of any literary, scientific, or artistic work, or his legal representatives, may, pending the publication or republication thereof in Canada, obtain an interim copyright therefor by depositing at the department a copy of the title or a designation of such work, intended for publication or republication in Canada—which title or designation shall be registered in an interim copyright register at the said department—to secure to such author aforesaid or his legal representatives the exclusive rights recognized by this Act, previous to publication or republication in Canada; but such interim registration shall not endure for more than one month from the date of the original publication elsewhere, within which period the work shall be printed or reprinted and published in Canada:

Duration of interim copy-right. (2) In every case of interim registration in this Act the author or his legal representatives shall cause notice of such registration to be inserted once in the "Canada Gazette." 38 Vict. c. 88, s. 10, *part*.

Notice to be given. 14. The application for the registration of an interim copyright, of a temporary copyright, and of a copyright may be made in the name of the author or of his legal representatives, by any person purporting to be the agent of such author or legal representatives; and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable in any court of competent jurisdiction. 38 Vict. c. 88, s. 23, *part*.

Application for registration may be made through an agent.

Punishment of pretended agents.

Assignments and Renewals.

Copyright and right to obtain it to be assignable. 15. The right of an author of a literary, scientific, or artistic work to obtain a copyright, and the copyright when obtained, shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing, made in duplicate, and which shall be registered at the department on production of both duplicates and payment of the fee hereinafter mentioned:

Duplicates, how disposed of. (2) One of the duplicates shall be retained at the department, and the other shall be returned, with a certificate of registration, to the person depositing it. 38 Vict. c. 88, s. 18.

Copyright to assignee of author. 16. Whenever the author of a literary, scientific, or artistic work or composition which may be the subject of copyright, has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such copyright, which is, by the said transaction, virtually transferred to the purchaser; and such purchaser may avail himself of such privilege, unless a reserve of the privilege is specially made by the author or artist in a deed duly executed. 38 Vict. c. 80, s. 16.

Renewal of 17. If, at the expiration of the said term of twenty-eight years, the

author or any of the authors (when the work has been originally composed and made by more than one person) is still living, or if such author is dead and has left a widow or a child, or children living, the same sole and exclusive right and liberty shall be continued to such author, or to such authors still living, or, if dead, then to such widow and child, or children, as the case may be, for the further term of fourteen years; but in such case, within one year after the expiration of such term of twenty-eight years, the title of the work secured shall be a second time registered, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such renewed copyright. 38 Vict. c. 88, s. 5.

copyright,
for what term
and on what
conditions.

Title to be
again regis-
tered. &c.

18. In all cases of renewal of copyright under this Act the author or proprietor shall, within two months from the date of such renewal, cause notice of such registration thereof to be published once in the "Canada Gazette." 38 Vict. c. 88, s. 6.

Record of
renewal to be
published.

Conflicting Claims to Copyright.

19. In case of any person making application to register as his own the copyright of a literary, scientific, or artistic work already registered in the name of another person, or in case of simultaneous conflicting applications, or of an application made by any person other than the person entered as proprietor of a registered copyright to cancel the said copyright, the person so applying shall be notified by the Minister that the question is one for the decision of a court of competent jurisdiction, and no further proceedings shall be had or taken by the Minister concerning the application until a judgment is produced maintaining, cancelling, or otherwise deciding the matter:

Cases of con-
flicting claims
in respect of
copyright to
be settled
before a com-
petent court.

(2) Such registration, cancellation, or adjustment of the said right shall then be made by the Minister in accordance with such decision. 38 Vict. c. 88, s. 19.

Action on
decision.

Infringement of Copyright.

20. Every person who, without the consent of the author or lawful proprietor thereof first obtained, prints or publishes, or causes to be printed or published, any manuscript not previously printed in Canada or elsewhere, shall be liable to the author or proprietor for all damages occasioned by such publication, and the same shall be recoverable in any court of competent jurisdiction. 38 Vict. c. 88, s. 3.

Liability of
persons print-
ing MSS.
without
owner's
consent.

Licences to Republish.

21. If a work copyrighted in Canada becomes out of print, a complaint may be lodged by any person with the Minister, who, on the fact being ascertained to his satisfaction, shall notify the owner of the copyright of the complaint and of the fact; and if, within a reasonable time, no remedy is applied by such owner, the Minister may grant a

Provision for
the case of a
copyrighted
work being
out of print.
Licence to
print it, &c.

licence to any person to publish a new edition or to import the work, specifying the number of copies and the royalty to be paid on each to the owner of the copyright. 38 Vict. c. 88, s. 22.

Fees.

Fees payable under this Act.

22. The following fees shall be paid to the Minister before an application for any of the purposes herein mentioned is received, that is to say :

On registering a copyright	\$1.00
On registering an interim copyright	0.50
On registering a temporary copyright	0.50
On registering an assignment	1.00
For a certified copy of registration	0.50
On registering any decision of a court of justice, for every folio	0.50

On office copies.

For office copies of documents not above mentioned, the following charges shall be made :

For every single or first folio, certified copy	\$0.50
For every subsequent hundred words (fractions under or not exceeding fifty, not being counted and over fifty being counted for one hundred)	0.25

Fees to be in full for all services.

(2) The said fees shall be in full of all services performed under this Act by the Minister or by any person employed by him under this Act :

To form part of Consolidated Revenue Fund.

(3) All fees received under this Act shall be paid over to the Minister of Finance and Receiver-General, and shall form part of the Consolidated Revenue Fund of Canada :

No exemption from payment of fees.

(4) No person shall be exempt from the payment of any fee or charge payable in respect of any services performed under this Act for such person, and no fee paid shall be returned to the person who paid it. 38 Vict. c. 88, s. 28.

General Provisions.

Proviso : as to scenery, &c.

23. Nothing herein contained shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be copyright in some other representation of such scene or object. 38 Vict. c. 88, s. 14.

As to newspapers, &c., containing portions of British copyright works.

24. Newspapers and magazines published in foreign countries, and which contain, together with foreign original matter, portions of British copyright works republished with the consent of the author or his legal representatives, or under the law of the country where such copyright exists, may be imported into Canada. 38 Vict. c. 88, s. 10, *part.*

Clerical errors, how corrected.

25. Clerical errors which occur in the framing or copying of any instrument drawn by any officer or employee in or of the department shall not be construed as invalidating such instrument, but when

discovered they may be corrected under the authority of the Minister.
38 Vict. c. 88, s. 20.

26. All copies or extracts certified from the department shall be received in evidence, without further proof and without production of the originals. 38 Vict. c. 88, s. 21.

Certified
copies and
extracts :
their effect.

27. The Minister may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as appear to him necessary and expedient for the purposes of this Act; and such regulations and forms, circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act; and all documents, executed and accepted by the Minister, shall be held valid, so far as relates to all official proceedings under this Act.
38 Vict. c. 88, s. 2.

Minister to
make rules,
forms, &c.
Their effect.

Offences and Penalties.

28. Every person who wilfully makes or causes to be made any false entry in any of the registry books hereinbefore mentioned of the Minister, or who wilfully produces, or causes to be tendered in evidence, any paper which falsely purports to be a copy of an entry in any of the said books, is guilty of a misdemeanor, and shall be punished accordingly. 38 Vict. c. 88, s. 24.

Making false
entries, &c.
to be a mis-
demeanor.

29. Every person who fraudulently assumes authority to act as agent of the author or of his legal representative for the registration of a temporary copyright, an interim copyright, or a copyright, is guilty of a misdemeanor, and shall be punished accordingly. 38 Vict. c. 88, s. 23, *part.*

Fraudulent
assumption
of authority
a misde-
meanor.

30. Every person who, after the interim registration of the title of any book according to this Act, and within the term herein limited, or after the copyright is secured and during the term or terms of its duration, prints, publishes, or reprints or republishes, or imports, or causes to be so printed, published, or imported, any copy or any translation of such book without the consent of the person lawfully entitled to the copyright thereof, first had and obtained by assignment, or who, knowing the same to be so printed or imported, publishes, sells, or exposes for sale, or causes to be published, sold, or exposed for sale, any copy of such book without such consent, shall forfeit every copy of such book to the person then lawfully entitled to the copyright thereof; and shall forfeit and pay for every such copy which is found in his possession, either being printed or printed, published, imported or exposed for sale, contrary to the provisions of this Act, such sum, not exceeding one dollar and not less than ten cents, as the court determines, which forfeiture shall be enforceable or recoverable in any court of competent jurisdiction; and a moiety of such sum shall belong to Her Majesty for the public uses of Canada, and the other moiety shall belong to the lawful owner of such copyright. 38 Vict. c. 88, s. 11.

Penalty for
the infringe-
ment of copy-
right of a
book.

Recovery and
application.

31. Every person who, after the registering of any painting, drawing, Penalty for

the infringement of copy-
right of a
painting, &c.

statue or work of art, and within the term or terms limited by this Act, reproduces in any manner, or causes to be reproduced, made or sold, in whole or in part, any copy of any such work of art, without the consent of the proprietor, shall forfeit the plate or plates on which such reproduction has been made, and every sheet thereof so reproduced, to the proprietor of the copyright thereof; and shall also forfeit for every sheet of such reproduction published or exposed for sale, contrary to this Act, such sum, not exceeding one dollar and not less than ten cents, as the court determines—which forfeiture shall be enforceable or recoverable in any court of competent jurisdiction; and a moiety of such sum shall belong to Her Majesty for the public uses of Canada, and the other moiety shall belong to the lawful owner of such copyright. 38 Vict. c. 88, s. 12.

Recovery and
application.

Penalty for
the infringe-
ment of copy-
right of a
print, chart,
music, photo-
graph, &c.

32. Every person who, after the registering of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this Act, and within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either as a whole or by varying, adding to, or diminishing the main design, with intent to evade the law, or who prints or reprints or imports for sale, or causes to be so printed or reprinted or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any part thereof, without the consent of the proprietor of the copyright thereof, first obtained as aforesaid, or who, knowing the same to be so reprinted, printed or imported without such consent, publishes, sells or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print, without such consent as aforesaid, shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print has been copied, and also every sheet thereof so copied or printed as aforesaid, to the proprietor of the copyright thereof; and shall also forfeit, for every sheet of such map, musical composition, print, cut or engraving found in his possession, printed or published or exposed for sale, contrary to this Act, such sum, not exceeding one dollar and not less than ten cents, as the court determines—which forfeiture shall be enforceable or recoverable in any court of competent jurisdiction; and a moiety of such sum shall belong to Her Majesty for the public uses of Canada, and the other moiety shall belong to the lawful owner of such copyright. 38 Vict. c. 88, s. 13.

Recovery and
application.

Penalty for
falsely pre-
tending to
have copy-
right.

33. Every person who has not lawfully acquired the copyright of a literary, scientific, or artistic work, and who inserts in any copy thereof printed, produced, reproduced or imported, or who impresses on any such copy that the same has been entered according to this Act, or words purporting to assert the existence of a Canadian copyright in relation thereto, shall incur a penalty not exceeding three hundred dollars:

(2) Every person who causes any work to be inserted in the register of interim copyright and fails to print and publish, or reprint and republish the same within the time prescribed, shall incur a penalty not exceeding one hundred dollars : Penalty for registering interim copy-right without publishing.

(3) Every penalty incurred under this section shall be recoverable in any court of competent jurisdiction ; and a moiety thereof shall belong to Her Majesty for the public uses of Canada, and the other moiety shall belong to the person who sues for the same. 38 Vict. c. 88, s. 17. Recovery and application of penalties.

34. No action or prosecution for the recovery of any penalty under this Act shall be commenced more than two years after the cause of action arises. 38 Vict. c. 88, s. 27. Limitation of actions.

Revised Statutes of Canada, 1886, Chap. 33.

49 Vict. c. 4.

An Act respecting the Duties of Customs.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

5. The goods enumerated in Schedule D shall not be imported into Canada, under the penalty therein mentioned, and if imported shall be forfeited and forthwith destroyed. Prohibited goods.

SCHEDULE A.

GOODS SUBJECT TO DUTIES.

Books, &c.

Goods subject to duty

33. Books, printed periodicals and pamphlets, not elsewhere specified, not being foreign reprints of British copyright works nor blank account books, nor copy books, nor books to be written or drawn upon, nor Bibles, prayer-books, psalm and hymn-books, fifteen per cent. *ad valorem*, Books.

34. British copyright works, reprints of, fifteen per cent. *ad valorem*, and in addition thereto twelve and a half per cent. *ad valorem*. Copyright works.

SCHEDULE C.

Free Goods.

Free goods.

519. Books, bound, which have been printed more than seven years at the date of importation—except foreign reprints of English copyrighted books, which shall remain subject to the copyright duty. Books.

SCHEDULE D.

The following articles are prohibited to be imported under a penalty of two hundred dollars, together with the forfeiture of the parcel or package of goods in which the same are found, viz. :

814. Reprints of Canadian copyright works, and reprints of British copyright works which have been also copyrighted in Canada. Reprints of Canadian copyright works.

Act of June 2, 1886.

49 VICT. c. 37.

An Act further to amend the Acts relating to duties of Customs, and the importation or exportation of goods into or from Canada.

[Assented to 2nd June, 1886.]

Preamble.

In amendment of the several Acts imposing or relating to duties of Customs on the importation or exportation of certain goods, the importation of goods free of duty, the prohibition of the importation of certain others, and matters connected therewith: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

List of prohibited articles amended.

5. Schedule D of the Act 42 Vict. c. 15, relating to articles the importation of which is prohibited, as amended by the Act 44 Vict. c. 10, is hereby amended:

Sub-section A, 31st March.

As to certain reprints.

1. By striking out the item relating to copyright works, and substituting the following item therefor:

Reprints of Canadian copyright works, and reprints of British copyright works which have been also copyrighted in Canada.

Act of July 18, 1900.

63 & 64 VICT. c. 25.

An Act to amend the Copyright Act.

[Assented to 18th July, 1900.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

In case of licence to reprint book copyrighted in United Kingdom or British possession, Minister may prohibit importation of other reprints.

1. If a book as to which there is subsisting copyright under The Copyright Act has been first lawfully published in any part of Her Majesty's dominions other than Canada, and if it is proved to the satisfaction of the Minister of Agriculture that the owner of the copyright so subsisting and of the copyright acquired by such publication has lawfully granted a licence to reproduce in Canada, from movable or other types, or from stereotype plates, or from electro-plates, or from lithograph stones, or by any process for facsimile reproduction, an edition or editions of such book designed for sale only in Canada, the Minister may, notwithstanding anything in The Copyright Act, by order under his hand, prohibit the importation, except with the written consent of the licensee, into Canada of any copies of such book printed elsewhere; provided that two such copies may be specially imported for

the *bonâ fide* use of any public free library or any university or college library, or for the library of any duly incorporated institution or society for the use of the members of such institution or society.

2. The Minister of Agriculture may at any time in like manner by order under his hand, suspend or revoke such prohibition upon importation if it is proved to his satisfaction that—

Suspension or revocation of prohibition.

(a) The licence to reproduce in Canada has terminated or expired ; or

(b) The reasonable demand for the book in Canada is not sufficiently met without importation ; or

(c) The book is not, having regard to the demand therefor in Canada, being suitably printed or published ; or

(d) Any other state of things exists on account of which it is not in the public interest to further prohibit importation.

3. At any time after the importation of a book has been prohibited under section 1 of this Act, any person resident or being in Canada may apply, either directly or through a bookseller or other agent, to the person so licensed to reproduce such book, for a copy of any edition of such book then on sale and reasonably obtainable in the United Kingdom or some other part of Her Majesty's dominions, and it shall then be the duty of the person so licensed, as soon as reasonably may be, to import and sell such copy to the person so applying therefor, at the ordinary selling price of such copy in the United Kingdom or such other part of Her Majesty's dominions, with the duty and reasonable forwarding charges added ; and the failure or neglect, without lawful excuse, of the person so licensed to supply such copy within a reasonable time, shall be a reason for which the Minister may, if he sees fit, suspend or revoke the prohibition upon importation.

Failure of licensee to supply book.

4. The Minister shall forthwith inform the Department of Customs of any order made by him under this Act.

Customs Department to be notified.

5. All books imported in contravention of this Act may be seized by any officer of Customs, and shall be forfeited to the Crown and destroyed ; and any person importing, or causing or permitting the importation, of any book in contravention of this Act shall, for each offence, be liable, upon summary conviction, to a penalty not exceeding one hundred dollars.

Penalty for unlawful importation.

APPENDIX (D).
AMERICAN COPYRIGHT.

REVISED STATUTE OF THE UNITED STATES, BEING THE ACT OF JULY 8,
1870, AS CONTAINED IN THE REVISED STATUTES, SECOND EDITION,
1870.

Copyrights to be under charge of Librarian of Congress.

4948. All records and other things relating to copyrights and required by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the joint committee of Congress on the Library, shall perform all acts and duties required by law touching copyright.

Seal of Office.

4949. The seal provided for the office of the Librarian of Congress shall be the seal thereof, and by it all records and papers issued from the office and to be used in evidence shall be authenticated.

Bond of Librarian.

4950. The Librarian of Congress shall give a bond, with sureties to the Treasurer of the United States, in the sum of five thousand dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office.

Annual Report.

4951. The Librarian of Congress shall make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year.

What Publications may be entered for Copyright.

4952. *Any citizen of the United States or resident therein, who shall be (a) the author, inventor, designer, or proprietor of any book, map,*

a) The words in italics have been repealed by the Act of 1891, post.

chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors may reserve the right to dramatize or to translate their own works (a).

Terms of Copyright.

4953. Copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

Continuance of Term.

4954. The author, inventor, or designer, *if he be still living and a citizen of the United States or resident therein (b)*, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the United States, for the space of four weeks.

Assignment of Copyrights and recording.

4955. Copyrights shall be assignable in law, by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

Deposit of Title and Published Copies.

4956. No person shall be entitled to a copyright unless he shall, before publication, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, district of Columbia, a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or a model or design for a work of the fine arts for which he desires a copyright, nor unless he shall also, within ten days from the

(a) See Act of 1891.

(b) The words in italics have been repealed by the Act of 1891.

publication thereof, deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright, book or other article, or in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of the same (a).

Book of Entry and Attested Copy.

4957. The Librarian of Congress shall record the name of such copyright, book or other article, forthwith, in a book to be kept for that purpose, in the words following: "Library of Congress, to wit: Be it remembered that on the _____ day of _____, A. B., of _____ hath deposited in this office the title of a book (map, chart, or otherwise, as the case may be, or description of the article), the title or description of which is in the following words, to wit (here insert the title or description); the right whereof he claims as author (originator, or proprietor as the case may be), in conformity with the laws of the United States respecting copyrights. C. D., Librarian of the Congress." And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it.

Fees.

4958. The Librarian of Congress shall receive, from the persons to whom the services designated are rendered, the following fees:

First. For recording the title or description of any copyright book or other article, fifty cents.

Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, fifty cents.

Third. For recording any instrument of writing for the assignment of a copyright, fifteen cents for every one hundred words.

Fourth. For every copy of an assignment, ten cents for every one hundred words.

All fees so received shall be paid into the Treasury of the United States (b).

Copies of Copyright Works to be furnished to Librarian of Congress.

4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress at Washington, District of Columbia, within ten days after its publication, two complete printed copies thereof, of the best edition issued or description or photograph of such article as hereinbefore required, and a copy of every subsequent edition wherein any substantial changes shall be made (c).

(a) This section is amended by the Act of 1891.

(b) *Ibid.*

(c) *Ibid.*

Penalty for Omission.

4960. For every failure on the part of the proprietor of any copyright to deliver or deposit in the mail either of the published copies or description or photograph, required by sections four thousand nine hundred and fifty-six, and four thousand nine hundred and fifty-nine, the proprietor of the copyright shall be liable to a penalty of twenty-five dollars, to be recovered by the Librarian of Congress, in the name of the United States, in an action in the nature of an action of debt, in any district court of the United States within the jurisdiction of which the delinquent may reside or be found.

Postmaster to give Receipts.

4961. The postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination.

Publication of Notice of Entry for Copyright prescribed.

4962. No person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted the following words: "Entered according to the Act of Congress in the year _____, by A. B., in the office of the Librarian of Congress at Washington" (a).

Penalty for false Publication of Notice of Entry.

4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one half for the person who shall sue for such penalty, and one half to the use of the United States (b).

Damages for Violation of Copyright of Books.

4964. Every person who, after the recording of the title of any book as provided by this chapter, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, or import,

(a) Amended by Act of 1874, sect. 1.

(b) Amended by Act of 1891, and Act of 3rd March, 1897.

or knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction (a).

For Violating Copyright of Maps, Charts, Prints, &c.

4965. If any person, after the recording the title of any map, chart, musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this chapter, shall, within the term limited and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such map or other article as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one half thereof to the proprietor and the other half to the use of the United States (b).

For Violating Copyright of Dramatic Compositions.

4966. Any person publicly performing or representing any dramatic composition for which a copyright has been obtained without the consent of the proprietor thereof, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court shall appear to be just (c).

Damages for printing or publishing any Manuscript without consent of Author, &c.

4967. Every person who shall print or publish any manuscript whatever, without the consent of the author or proprietor first obtained, if such author or proprietor is a citizen of the United States, or resident therein, shall be liable to the author or proprietor for all damages occasioned by such injury (d).

(a) Amended by Act of 1891.

(b) Amended by Act of 1891, and of 2nd March, 1895.

(c) Amended by Act of 6th January, 1897.

(d) Amended by Act of 1891.

Limitation of Action in Copyright Cases.

4968. No action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen.

Defences to Action in Copyright Cases.

4969. In all actions arising under the laws respecting copyrights, the defendant may plead the general issue, and give the special matter in evidence.

Injunctions in Copyright Cases.

4970. The circuit courts, and district courts having the jurisdiction of circuit courts, shall have power, upon bill in equity, filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by the laws respecting copyrights, according to the course and principles of courts of equity, on such terms as the court may deem reasonable.

Aliens and Non-residents not Privileged.

4971. Nothing in this chapter shall be construed to prohibit the printing, publishing, importation, or sale of any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, written, composed, or made by any person not a citizen of the United States nor resident therein.

ACT OF JUNE 18, 1874.

(18 U.S. St. at L. 78.)

An Act to amend the Law relating to Patents, Trade Marks, and Copyrights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary or model, or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some visible portion thereof or of the substance on which the same shall be mounted, the following words, viz., "Entered according to Act of Congress, in the year , by A. B., in the office of the Librarian of Congress, at Washington"; or at his option the word "Copyright," together with the year the copyright

was entered, and the name of the party by whom it was taken out; thus: "Copyright 18 , by A. B."

Fees for recording and certifying Assignments of Copyright.

2. That for recording and certifying any instrument of writing for the assignment of a copyright, the Librarian of Congress shall receive from the persons to whom the service is rendered, one dollar; and for every copy of an assignment, one dollar; said fee to cover, in either case, a certificate of the record under seal of the Librarian of Congress; and all fees so received shall be paid into the Treasury of the United States.

Restrictions on application of Words "Engraving," "Cut," and "Print."

3. That in the construction of this Act, the words "engraving," "cut," and "print," shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label not a trade-mark, six dollars, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same.

Repeal of inconsistent Laws.

4. That all laws and parts of laws inconsistent with the foregoing provisions be and the same are hereby repealed.

5. That this Act shall take effect on and after the first day of August, eighteen hundred and seventy-four.

Approved, June 18, 1874.

ACT OF 1891.

An Act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to Copyrights.

March 3,
1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-nine hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"Sect. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut,

print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and in the case of dramatic composition, of publicly performing or representing it or causing it to be performed or represented by others; and authors or their assigns shall have exclusive right to dramatize and translate any of their works for which copyright shall have been obtained under the laws of the United States."

Sect. 2. That section forty-nine hundred and fifty-four of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"Sect. 4954. The author, inventor, or designer, if he be still living, or his widow or children if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations with regard to original copyrights, within six months before the expiration of the first term; and such persons shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers printed in the United States for the space of four weeks."

Sect. 3. That section forty-nine hundred and fifty-six of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sect. 4956. No person shall be entitled to a copyright unless he shall on or before the day of publication in this or any foreign country, deliver at the office of the Librarian of Congress, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statue, statuary, or a model or design for a work of the fine arts for which he desires a copyright, nor unless he shall also, not later than the day of the publication thereof in this or any foreign country, deliver at the office of the Librarian of Congress, at Washington, District of Columbia, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph, or in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of the same: Provided, that in the case of a book, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made

therefrom, or from negatives or drawings on stone made within the limits of the United States, or from transfers made therefrom. During the existence of such copyright the importation into the United States of any book, chromo, lithograph, or photograph, so copyrighted or any edition or editions thereof, or any plates of the same not made from type set, negatives or drawings on stone, made within the limits of the United States, shall be, and it is hereby, prohibited, except in the cases specified in paragraphs 512 to 560 inclusive, in section 2 of the Act entitled 'An Act to reduce the Revenue and equalize the Duties on Imports and for other purposes,' approved October 1, 1890; and except in the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such book at any one time, and except in the case of newspapers and magazines not containing, in whole or in part, matter copyrighted under the provisions of this Act, unauthorized by the author, which are hereby exempted from prohibition of importation: Provided, nevertheless, that in the case of books in foreign languages, of which only translations in English are copyrighted, the prohibition of importation shall apply only to the translation of the same, and the importation of the books in the original language shall be permitted."

Sect. 4. That section forty-nine hundred and fifty-eight of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"Sect. 4958. The Librarian of Congress shall receive from the persons to whom the services designated are rendered the following fees:

"First. For recording the title or description of any copyright book or other article, fifty cents.

"Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, fifty cents.

"Third. For recording and certifying any instrument of writing for the assignment of a copyright, one dollar.

"Fourth. For every copy of an assignment, one dollar.

"All fees so received shall be paid into the Treasury of the United States: Provided, that the charge for recording the title or description of any article entered for copyright, the production of a person not a citizen or resident of the United States, shall be one dollar, to be paid as above into the Treasury of the United States, to defray the expenses of the lists of copyrighted articles as hereinafter provided for.

"And it is hereby made the duty of the Librarian of Congress to furnish to the Secretary of the Treasury copies of the entries of titles of all books and other articles wherein the copyright has been completed by the deposit of two copies of such book printed from type set within the limits of the United States, in accordance with the provisions of this Act and by the deposit of two copies of such other article made or produced in the United States: and the Secretary of the Treasury is

hereby directed to prepare and print, at intervals of not more than a week, catalogues of such title-entries for distribution to the collectors of customs of the United States and to the postmasters of all post-offices receiving foreign mails, and such weekly lists, as they are issued, shall be furnished to all parties desiring them, at a sum not exceeding five dollars per annum; and the Secretary and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of all articles prohibited by this Act."

Sect. 5. That section forty-nine hundred and fifty-nine of the Revised Statutes be, and the same is hereby, amended so as to read as follows :

"Sect. 4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail, addressed to the Librarian of Congress, at Washington, District of Columbia, a copy of every subsequent edition wherein any substantial changes shall be made: Provided, however, That the alterations, revisions, and additions made to books by foreign authors, heretofore published, of which new editions shall appear subsequently to the taking effect of this Act, shall be held and deemed capable of being copyrighted as above provided for in this Act, unless they form a part of the series in course of publication at the time this Act shall take effect."

Sect. 6. That section forty-nine hundred and sixty-three of the Revised Statutes be, and the same is hereby, amended so as to read as follows :

"Sect. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one half for the person who shall sue for such penalty, and one half to the use of the United States" (a).

Sect. 7. That section forty-nine hundred and sixty-four of the Revised Statutes be, and the same is hereby, amended so as to read as follows :

"Sect. 4964. Every person who, after the recording of the title of any book and the depositing of two copies of such book, as provided by this Act, shall, contrary to the provisions of this Act, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, dramatize, translate, or import, or knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such book shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be

(a) Amended by Act of 3rd March, 1897.

recovered in a civil action by such proprietor in any court of competent jurisdiction."

Sect. 8. That section forty-nine hundred and sixty-five of the Revised Statutes be, and the same is hereby, amended so as to read as follows :

"Sect. 4965. If any person, after the recording of the title of any map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this Act, shall within the term limited, contrary to the provisions of this Act, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, dramatize, translate, or import, either in whole, or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such map or other article as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied and every sheet thereof, either copied or printed, and shall further forfeit, one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale, and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one-half thereof to the proprietor and the other half to the use of the United States" (a).

Sect. 9. That section forty-nine hundred and sixty-seven of the Revised Statutes be, and the same is hereby, amended so as to read as follows :

"Sect. 4967. Every person who shall print or publish any manuscript whatever without the consent of the author or proprietor first obtained, shall be liable to the author or proprietor for all damages occasioned by such injury."

Sect. 10. That section forty-nine hundred and seventy-one of the Revised Statutes be, and the same is hereby, repealed.

Sect. 11. That for the purpose of this Act each volume of a book in two or more volumes, when such volumes are published separately and the first one shall not have been issued before this Act shall take effect, and each number of a periodical shall be considered an independent publication, subject to the form of copyrighting as above.

Sect. 12. That this Act shall go into effect on the first day of July, anno Domini eighteen hundred and ninety-one.

Sect. 13. That this Act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as it own citizens, or when such foreign

(a) Amended by Act of 3rd March, 1895.

State or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement. The existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this Act may require.

[ACT OF 2ND MARCH, 1895.]

Section 4965 of the Revised Statutes of the United States is hereby amended so as to read as follows:

Sect. 4965. If any person, after the recording of the title of any map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this Act, shall, within the time limited, contrary to the provisions of this Act, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, dramatize, translate, or import either in whole or in part, or by varying the main design, with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; *Provided, however,* that in case of any such infringement of the copyright of a photograph made from any object not a work of fine arts, the sum to be recovered in any action brought under the provisions of this section shall be not less than 100 dollars, nor more than 5000 dollars, and: *Provided, further,* that in case of any such infringement of the copyright of a painting, drawing, statue, engraving, etching, print, or model or design for a work of the fine arts or of a photograph of a work of the fine arts, the sum to be recovered in any action brought through the provisions of this section shall be not less than 250 dollars, and not more than 10,000 dollars. One half of all the foregoing penalties shall go to the proprietors of the copyright and the other half to the use of the United States.

THE LAW OF COPYRIGHT.

[ACT OF 6TH JANUARY, 1897.]

Section 4966 of the Revised Statutes of the United States is hereby amended so as to read as follows :

Sect. 4966. Any person publicly performing or representing any dramatic or musical composition for which a copyright has been obtained, without the consent of the proprietor of the said dramatic or musical composition, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than 100 dollars for the first and 50 dollars for every subsequent performance, as to the court shall appear to be just. If the unlawful performance and representation be wilful and for profit, such person or persons shall be guilty of a misdemeanour and upon conviction be imprisoned for a period not exceeding one year.

[Then follow provisions as to injunctions being operative in any circuit, motions to dissolve injunctions, the jurisdiction of circuit courts, and the hearing of applications.]

[LAW OF 3RD MARCH, 1897.]

An Act to amend title 60, chap. 3, of the Revised Statutes of the United States relating to Copyright. [54 Congress Sess. II. cap. 392.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that sect. 4963 of the Revised Statutes for the United States be, and the same is hereby, amended so as to read as follows :

Sect. 4963. Every person who shall insert or impress such notice or words of the same purport, in or upon any book, map, chart, dramatic or musical composition, print, cut, engraving or photograph, or other article, whether such article be subject to copyright or otherwise, for which he has not obtained a copyright, or shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country ; or shall import any book, photograph, chromo or lithograph, or other article, bearing such notice of copyright or words of the same purport, which is not copyrighted in this country, shall be liable to a penalty of 100 dollars, recoverable one half for the person who shall sue for such penalty, and one half to the use of the United States ; and the importation into the United States of any book, chromo, lithograph or photograph, or other article, bearing such notice of copyright, when there is no existing copyright therein in the United States, is prohibited, and the circuit courts of the United States sitting in equity are hereby authorized to enjoin the issuing, publishing, or selling of any article marked or imported in violation of the United States Copyright Laws, at the suit of any person complaining

of such violation: *Provided* that this Act shall not apply to any importation of or sale of such goods or articles brought into the United States prior to the passage hereof.

Sect. 2. That all laws and parts of laws inconsistent with the foregoing provision be, and the same are, hereby repealed.

OFFICIAL REGULATIONS.

DIRECTIONS FOR SECURING COPYRIGHT UNDER THE REVISED ACTS OF CONGRESS, INCLUDING THE PROVISIONS FOR FOREIGN COPYRIGHT, BY ACT OF MARCH 3RD, 1891.

Printed Title Required.

1. A printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statue, statuary, or model or design for a work of the fine arts, for which copyright is desired, must be delivered to the Librarian of Congress or deposited in the mail within the United States, prepaid, addressed—

LIBRARIAN OF CONGRESS (a),
Washington, D. C.

This must be done on or before day of publication in this or any foreign country.

What style of Print.

The printed title required may be a copy of the title-page of such publications as have title-pages. In other cases, the title must be printed expressly for copyright entry, with name of claimant of copyright. The style of type is immaterial, and the print of a typewriter will be accepted. But a separate title is required for each entry, and each title must be printed on paper as large as commercial note. The title of a periodical must include the date and number, and each number of a periodical requires a separate entry of copyright.

Copyright Fees.

2. The legal fee for recording each copyright claim is 50 cents, and for a copy of this record (or certificate of copyright under seal of office) an additional fee of 50 cents is required, making one dollar in case certificate is wanted, which will be mailed as soon as reached in the records. In the case of publications produced by other citizens or residents of the United States, the fee for recording title is one dollar, and 50 cents additional for a copy of the record. Certificates covering more than one entry in one certificate are not issued.

Two Copies Required.

3. Not later than the day of publication of each book or other article, in this country or abroad, two complete copies of the best edition issued must be delivered to perfect the copyright, or deposited in the mail with the United States, addressed—

LIBRARIAN OF CONGRESS (b),
Washington, D. C.

(a) Now to "Register of Copyrights."

(b) *Ibid.*

Free by Mail.

The freight or postage must be prepaid, or the publications enclosed in parcels covered by printed penalty labels, furnished by the Librarian, in which case they will come free by mail (not express), without limit of weight, according to rulings of the Post Office Department. In the case of books, photographs, chromos or lithographs, the two copies deposited must be printed from type set or plates made in the United States, or from negatives or drawings on-stone or transfers therefrom, made within the United States.

Penalty.

Without the deposit of copies above required, the copyright is void, and a penalty of 25 dollars is incurred. No copy is required to be deposited elsewhere. The law requires one copy of each new edition wherein any substantial changes are made to be deposited with the Librarian of Congress.

Notice of Copyright to be given by Imprint.—Claimant's name to be Printed.

4. No copyright is valid unless notice is given by inserting in every copy published, on the title-page or the page following, if it be a book ; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected as a work of the fine arts, by inscribing upon some portion thereof, or on the substance on which the same is mounted, the following words, viz., "Entered according to Act of Congress, in the year , by , in the office of the Librarian of Congress at Washington" ; or, at the option of the person entering the copyright, the words, "Copyright, 18 , by ."

The law imposes a penalty of 100 dollars upon any person who has not obtained copyright who shall insert the notice "Entered according to Act of Congress" or "Copyright," &c., or words of the same import, in or upon any book or other article.

Translations and Dramas.

5. The copyright law secures to authors or their assigns the exclusive right to translate or to dramatize their own works.

Rights Reserved.

Since the phrase all rights reserved refers exclusively to the right to dramatize or to translate, it has no bearing upon any publications except original works, and will not be entered upon the record in other cases.

Duration of Copyright.

6. The original term of copyright runs for 28 years. Within six months before the end of that time, the author or designer, or his widow or children, may secure a renewal for the further term of 14 years, making 42 years in all.

Renewals.

Applications for renewal must be accompanied by explicit statement of ownership in the case of the author, or of relationship in the case of his heirs, and must state definitely the date and place of entry of the original copyright. Advertisement of renewal is to be made within two months of date of renewal certificate in some newspaper for four weeks.

Time of Publication.

7. The time within which any work entered for copyright may be issued from the press is not stated by any law or regulation, but the courts have held that it

should take place within a reasonable time. A copyright may be secured for a projected work as well as for a completed one. But the law provides for no caveat, or notice of interference—only for actual entry of title.

Assignments.

8. A copyright is assignable in law by any instrument of writing, and such assignment is to be recorded in the office of the Librarian of Congress within 60 days from its date. The fee for this record and certificate is one dollar; and for a certified copy of any record of assignment, one dollar.

Copies or Duplicate Certificates.

9. A copy of the record (or duplicate certificate) of any copyright entry will be furnished, under seal of the office, at the rate of 50 cents each.

Serials or separate Publications.

10. In the case of books published in more than one volume, or of periodicals published in numbers, or of engravings, photographs, or other articles published with variations, a copyright is to be entered for each volume or part of a book, or number of a periodical, or variety, as to style, title, or inscription, of any other article. But a book published serially in a periodical, under the same general title, requires only one entry. To complete the copyright in such a work, two copies of each serial part, as well as of the complete work (if published separately), should be deposited.

Copyrights for Works of Art.

11. To secure copyright for a painting, statue, or model or design intended to be perfected as a work of the fine arts, a definite description must accompany the application for copyright, and a photograph of the same as large as "cabinet size," mailed to the Librarian of Congress not later than the day of publication of the work or design.

The fine arts, for copyright purposes, include only painting and sculpture, and articles of merely ornamental and decorative art are referred to the Patent Office, as subjects for design patents.

No Labels or Names Copyright.

12. Copyrights cannot be granted upon trade marks, nor upon names of companies or articles, nor upon an idea or device, nor upon prints or labels intended to be used for any article of manufacture. If protection for such names or labels is desired, application must be made to the Patent Office, where they are registered at a fee of six dollars for labels and 25 dollars for trade marks.

Foreign or International Copyright.

13. The provisions as to copyright entry in the United States by foreign authors, &c., by Act of Congress, approved March 3rd, 1891 (to take effect July 1, 1891), are the same as the foregoing.

The right of citizens or subjects of a foreign nation to copyright within the United States, is not to take effect unless such nation permits to United States citizens the benefit of copyright on the same basis as to its own citizens, or unless such nation is a party to an international agreement providing for reciprocity in copyright, to which the United States may become a party. The Librarian of Congress can enter copyright for foreigners only after a proclamation of the President of the United States, certifying the existence of either of the foregoing conditions.

The right of Americans to secure copyright abroad is unchanged by the new law, pending new legislation in foreign countries, or international agreements as to copyright between their Government and that of the United States.

THE LAW OF COPYRIGHT.

Full Name of Proprietor required.

11. Every applicant for a copyright should state distinctly the full name and residence of the claimant, and whether the right is claimed as author, designer, or proprietor. No affidavit or witness to the application is required.

Office of the Librarian of Congress,
Washington, 1891.

FORM OF APPLICATION FOR COPYRIGHT REGISTRATION FOR
WORKS MULTIPLIED BY MECHANICAL MEANS.

To the Register of Copyrights, *Date,* _____, 190 .
Washington, D. C.

Inclosed find \$ _____ cents in Money Order, which you are requested to apply as follows :

- (a) As the statutory fee for recording the accompanying _____ title ,
\$ _____ cents.
- (b) As the statutory fee for a copy under seal of such record (Certificate), fifty cents each, \$ _____ cents.

Name in full and address of the sender of the application.	
This is to be filled only when one person acts as attorney or agent for another.	Name, _____ Street and Number, _____ Town and State, _____

Please read the following directions with care and fill in the required information with exactness in order to avoid delay in your copyright business.

1. Use only one of these eight designations : A, BOOK (if literary composition, in prose or verse, including newspaper article, magazine contribution, serial story, or single poem); B, PERIODICAL; C, MUSICAL COMPOSITION; D, DRAMATIC COMPOSITION; E, MAP or CHART; F, ENGRAVING, CUT, or PRINT; G, CHROMO or LITHOGRAPH; H, PHOTOGRAPH. N.B.—Use no other terms than the above.	1. Nature of Article. _____ _____ _____
2. Write an abbreviation of the accompanying printed title, sufficient to identify the latter. N.B.—One blank will serve for more than one title if the information asked for on pages 1 and 2 of the blank is equally applicable to each title.	2. Title of Work. _____ _____

<p>3. Write full name of person in whose name as "Author," "Designer," or "Proprietor" the claim of copyright is to be recorded, and state <i>legal</i> residence.</p> <p>N.B.—The notice of copyright on every copy of the article must have name of claimant printed in exactly the form written here, for example :</p> <p style="text-align: center;">Copyright, 190 , by A. B. (Here insert year.) (Here insert full name of claimant.)</p>	<p>3. Name of Claimant of Copyright, and Legal Residence.</p> <p style="margin-left: 20px;"><i>Name,</i> _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;"><i>Residence,</i> _____</p> <p style="margin-left: 40px;">(City.) (State.)</p>
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N.B.—In the case of a *book* the copies required to be deposited must "be printed from type set within the limits of the United States, or from plates made therefrom"; in the case of a *photograph*, "from negatives . . . made within the limits of the United States, or from transfers made therefrom," and in the case of *chromos* and *lithographs* from "drawings on stone made within the limits of the United States, or from transfers made therefrom."

<p>4. If a <i>Book, Chromo, Lithograph, Photograph, or Periodical</i>, state in what <i>country</i> the article is to be printed or produced.</p> <p>This information is not <i>obligatory</i> in the case of other copyright articles, but is desirable.</p> <hr/> <p>5. If in Space 3 the name of the <i>author</i> is given, write opposite the word "author." If in Space 3 the name of the <i>proprietor</i> is given, write opposite the word "proprietor."</p> <hr/> <p>6. If the author, composer, or designer is living, state citizenship and residence; if dead, state nationality. If naturalized citizen of the United States, so state.</p> <p>It is not necessary to divulge the name and residence of any author who is not also the claimant of the copyright. It is <i>obligatory to indicate the nationality</i>. The meaning of the word "<i>nationality</i>" in this case is the country to which the applicant now owes allegiance by birth or <i>naturalization</i>.</p>	<p>4. Country in which the article is to be printed or produced.</p> <p>_____</p> <p>_____</p> <hr/> <p>5. Form of Claim.</p> <p>_____</p> <hr/> <p>6. Name of the { Author } and of { Translator } { Editor } the Country of which he is now a Citizen or Subject.</p> <p><i>Name,</i> _____ [May be withheld if desired.]</p> <p><i>Residence,</i> _____ [May be withheld if desired.]</p> <p>Nationality, { Name of country of which he is now a citizen or subject. } _____ [MUST BE GIVEN.]</p>
<p>7. State, if desired, specifically upon what copyright protection is claimed, <i>e.g.</i>, "Preface," "Notes and Emendations," "Illustrations," "New matter added to new edition," &c.</p>	<p>7. Specification of nature of claim of copyright.</p> <p>_____</p> <p>_____</p>

<p>8. Give name of person to whom reply is to be sent, together with full address.</p>	<p>8. Name and Address to whom Reply is to be Mailed.</p> <p>Name, _____</p> <p>Address, _____</p> <p>_____</p>
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One application form will serve for a number of titles, provided the information called for on pages 1 and 2 of the blank is equally applicable to each title.

N.B.—If application is desired to be made for an original work of art (Painting, Drawing, Statue, Statuary, or Model or Design intended to be perfected as a work of the fine arts), please use Application Form B, copies of which can be obtained upon request.

DIRECTIONS FOR FILLING UP APPLICATION BLANK.

State the exact amount of remittance for fee inclosed with application ; but, if no money is sent with the application, leave the space blank.

Fee for entry of title of production of a citizen of the United States is 50 cents ; for production of a qualified foreigner, \$1. Fee for certificate, 50 cents additional in either case.

All remittances should be made payable to the Register of Copyrights.

Remittances should always be made preferably by money order, or by express order, or bank draft. Currency or coin should not be sent, and cheques only upon special arrangement with the Register of Copyrights. *Postage stamps cannot be received for copyright fees.*

The law explicitly requires, in addition, the transmission of a "printed" copy of the title, which must be sent with this application in order to ensure entry of copyright. If type-written title is sent, it will be used, but at the risk of the applicant. No entry can be made upon a written title.

Give name of claimant in full ; initials are not always sufficient for identification.

Write legibly the full name and give full address (with name of place, street, and number) of applicant.

Always send the regular printed title-page when possible.

Use this blank only for the following productions : Book (meaning thereby a literary composition in prose or verse, not a blank book, account book, or minute book, &c., but including a newspaper article, magazine contribution, serial story, or a single poem, each of which should be designated in the application by the term "Book"); Periodical ; Musical Composition (when music, or words and music, are desired to be protected) ; Dramatic Composition ; Map or Chart (only when the article is a cartographical work, not a chart in the modern sense, *i.e.*, a sheet exhibiting information in a methodical or tabulated form) ; Engraving, Cut, or Print (only when a work of art, sold or exchanged for its artistic value, and not when merely an advertisement or a print relating to an article of manufacture) ; Chromo or Lithograph ; and Photograph.

If the article for which copyright is desired cannot reasonably be described by any of the terms stated above, it is not such an article as can be registered in the Copyright Office as a preliminary to copyright protection.

In the case of music, preferably the printed title cover of the music should be sent when this contains a complete title, with names of author of the words and composer or arranger of the music, and the instrumentation. But if this cannot

be done, the complete title should be typewritten on page 3 of the blank. If several typewritten titles are to be sent with one application, they can be put upon page 3 of the application blank, 1½ inches apart, so as to allow the date and number stamp to come between. Typewritten titles are accepted upon the sole responsibility of the sender.

The term "Musical Composition" should be used only when the music is desired to be protected or the words and music together. If the words only are desired to be protected, the term "Book" should be used in filling up the application.

[Copies of the blank application forms can be obtained upon request. Please make requests for blank forms in separate communications, not as part of a letter relating to other copyright business.

For works of art use application form B. For renewal use application form C.]

TITLE.

In the case of a book in more than one volume, a separate title-page for each volume must be sent. Only one copy of each title is required. The law distinctly specifies a printed title. If a typewritten title is sent, it is at the claimant's risk.

No entry can be made on a written title.

Insert on this page *printed* or typewritten title or titles.

If several typewritten titles are to be sent with one application, they can be put upon this page of the application blank, but should be 1½ inches apart, so as to allow the date and number stamp to come between; or they can be on separate sheets of paper. If necessary, additional sheets of titles may be inserted between pages 2 and 3, but it is always preferable to send the regular printed title-pages.

INFORMATION CIRCULAR NO. 3.

Copyright Fees.

*Library of Congress,
Copyright Office,
Washington, D. C.*

The Copyright fees prescribed by law are as follows:

Entries and Certificates.—For recording each title of a book or other article, the production of a citizen or resident of the United States, the charge is fifty (50) cents. If a Certificate of copyright (*i.e.*, a certificate of the entry of the title) is desired, there is an additional charge of fifty (50) cents, or \$1.00 in all. One certificate can be made to include only one title.

For recording each title of a book or other work, the production of a person *not* a citizen or resident of the United States, the charge is \$1.00. This fee of \$1.00 is required to be paid for recording the title of every work whose original author or producer is "a person not a citizen or resident of the United States," whether the proprietor of the copyright is or is not a citizen or resident of the United States. A Certificate of such record requires the payment of fifty (50) cents additional, or \$1.50 in all.

Copies of Record.—For every copy under seal of the record of entry of title, the charge is fifty (50) cents.

Assignments.—For recording and certifying an instrument of writing for the Assignment of a copyright, the charge is \$1.00; and for each copy of an Assignment \$1.00.

Receipts for Two Copies.—For a certified receipt for the deposit of two copies, the charge is fifty (50) cents.

In no case should any postage stamps or stamped envelopes be sent for reply, as all Copyright Office mail is forwarded under a Government frank.

THE LAW OF COPYRIGHT.

All remittances should be made by money order, payable to the Register of Copyrights.

Internal Revenue stamps are not required.

THORVALD SOLBERG,
Register of Copyrights.

INFORMATION CIRCULAR No. 27.

Articles Subject of Copyright.

The Copyright Statutes enumerate the classes of articles which are subjects of copyright protection, and no article can be registered in this office unless it is possible to designate it as belonging to one or the other of the articles or classes of articles named in the law.

These articles are :

1. *Book*.—By the term “book” in the copyright law is understood a *literary composition*. All copyright legislation is based on the provision of the Constitution (Art. 1, Sect. 8) granting to Congress the power to legislate to protect the *writings of authors*. For this reason, the mere fact that an article is *printed*, such as a mere list of words, or a sheet of disjointed phrases or sentences, or a blank form or a blank book, does not enable it to obtain protection. Nor does the fact that an article is made up to *resemble* a book in form justify its registration for copyright protection. It must be a book in literary substance.

A book, in order to obtain copyright protection, must be printed from type set within the limits of the United States, or from plates made therefrom.

2. *Periodical*.—This term includes all magazines, newspapers, or serial publications partaking of the nature of a periodical.

3. *Map or Chart*.—The term “chart” in the copyright law means a form of map, a cartographical work, and cannot, therefore, be used to designate what is ordinarily termed a chart, nor any such articles as dress patterns, or sheets designed for use in dressmaking, &c.

4. *Dramatic Composition*.—This term must be understood to mean a literary composition in dramatic form, and cannot be understood to include mere stage business, specialty acts, stage names, stage curtains, scenarios, &c.

5. *Musical Composition*.—Intended to cover *words and music*. If the *words* only of a song are desired to be protected, the designation “book” should be used.

6. *Engraving, Cut, or Print*.—These terms are defined in the law to be applied only to pictorial illustrations of works connected with the *Fine Arts*, that is to say, to articles sold or exchanged for their artistic value. Prints which pertain to a specific, designated article of manufacture cannot be registered in this office, but should be entered for copyright protection at the Patent Office under the Act of June 18, 1874. See Circular No. 24.

7. *Photograph*.—A photographic print, in order to be entitled to protection under the copyright law, must be printed from a negative made within the limits of the United States, or from transfers made therefrom.

8. *Chromo or Lithograph*.—Chromos and lithographs, in order to obtain copyright protection, must be made from drawings on stone or from transfers therefrom made within the limits of the United States.

9. *Photographic Negative*.

10. *Painting*. 11. *Drawing*. 12. *Statuary*.

13. *Model or Design intended to be perfected as work of the Fine Arts*.

Only such productions as, by reasonable interpretation, can be classed under any one of the articles named above can therefore be registered for copyright protection.

THORVALD SOLBERG,
Register of Copyrights.

INFORMATION CIRCULAR NO. 35.

General Instructions.

The formalities required by law in order to secure copyright entry are very simple. No statement is necessary except the direct application for copyright registration. No papers are required to be sworn to, nor any certificate to be furnished.

The law prescribes three simple steps as preliminary to copyright protection. Each of these steps should be taken exactly as the law requires; otherwise no protection is secured. These three steps are:

Step A.—Registration of title or description in this office. See below. This step can be taken prior to going to press, if desired.

Step B.—Deposit of two copies of the book or other article not later than the day of publication in this or any foreign country. In the case of paintings, drawings, statuary, or models or designs for works of art, a photograph of the article is to be sent in lieu of the two copies. The copyright law explicitly enacts that "In the case of a book, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom, or from negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom."

No manuscript copies of books or music and no original drawings or paintings should be sent to this office.

The printed copies or the photograph should be marked with the name and address of the sender, should be addressed to the Register of Copyrights, Washington, D. C., and should be deposited in the mails before any copies have been distributed to the public, with postage fully prepaid or under the franking label supplied by this office. The law requires postmasters to give receipts for titles and copies on request.

Steps A and B are prerequisites to any copyright protection. They may be taken at the same time, if desired, but not later than the day of publication. If taken together, all matter relating thereto, including title, copies or photograph, application, and fee, should be sent in one parcel.

Step C.—Notice of Copyright should be printed in every copy distributed, in one or the other of the following forms: "Entered according to Act of Congress, in the year —, by A. B., in the office of the Librarian of Congress, at Washington"; or, "Copyright, 19—, by A. B."

In the case of a book this notice should be printed on the title-page or the page immediately following. In the case of other articles the notice should be placed upon some visible portion of the article or of the substance on which the article is mounted.

No copyright can be defended against infringement unless the notice of copyright is given as above directed. The notice should not vary from the form prescribed. The date given in the notice should be the same as the year date of the entry obtained by taking "Step A" above described.

REGISTRATION.

No copyright registration can be secured for an article not distinctly named in the copyright law as subject to copyright protection; but for any articles named in the law as subject to protection a compliance with the following directions will secure the registration of the copyright, referred to above as "Step A."

1. Fill up, in accordance with the directions printed upon it, the copyright application blank supplied by this office upon request.

For articles multiplied by mechanical means, such as a book, periodical, musical composition, dramatic composition, map or chart, engraving, cut or print

chromo or lithograph, or a photograph, use application form "A," supplied by this office upon request (a).

For a painting, drawing, statue, statuary, model or design intended to be perfected as a work of the fine arts, use form "B."

2. Attach to the application a printed or typewritten title of the book, photograph, music, or other article. Written titles are not legal and cannot be accepted. In the case of paintings, drawings, statuary, and models of designs intended to be perfected as works of art, a brief *description* of the article must be filed with the application, in lieu of the title.

3. Forward to this office the application, with a money order or express order for the exact amount of the fee, payable to the Register of Copyrights.

4. Send *two* copies of the article, or the one photograph of a work of art (see "Step B" above), not later than the day of publication, before any other copies have been distributed.

5. Send application, title, fee, and, when possible, the two copies of the article, or, in the case of an original work of art, the photograph, in one parcel, using the addressed franked label furnished by this office upon request.

Address all communications: The Register of Copyrights, Copyright Office, Library of Congress, Washington, D. C.

THORVALD SOLBERG,
Register of Copyrights.

(a) See *ante*, p. cxl.

APPENDIX (E).

FORMS USED AT STATIONERS' HALL.

(Form of requiring Entry of Proprietorship.)

To the registering officer appointed by the Stationers' Company.

I, _____ of _____ do hereby certify, that I am the proprietor of the Copyright of a Book, intituled _____; and I hereby require you to make entry in the Register Book of the Stationers' Company of my Proprietorship of such Copyright, according to the particulars underwritten.

(Every particular given must be clearly written.)

Title of Book.	Name of Publisher and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.

Dated this _____ day of _____, 190 ..

Witness, _____ (Signed)

N.B.—In filling up the above form special care must be taken to insert the correct title of the Book, the name of the *first publisher*, and the *exact day* of first publication. All names should be written in full.

A stamped and addressed envelope must be enclosed with all communications to which an answer is required.

COPYRIGHT REGISTRY.

Instructions for Registration of Books first published within the British Dominions under the provisions of the Copyright Acts, 5 & 6 Vict. c. 45, and 49 & 50 Vict. c. 33.

Book.—The term "Book" means and includes every *volume*, part or division of a volume, pamphlet, sheet of letterpress, sheet of music, map, chart, or plan, separately published.

Term of Copyright in Books.—If published in lifetime of author, then forty-two years from publication or life of author and seven years from his death, whichever shall be the longer term.

If published after author's death, then proprietor has copyright for forty-two years from first publication.

The copyright in articles in encyclopædias, reviews, magazines, periodical works, or works published in a series of books or parts, belongs to the proprietor of the work when such articles have been composed upon the terms that the copyright shall belong to him and shall have been actually paid for by him; but after twenty-eight years from first publication the right of publishing in separate form such articles as have been published in reviews, magazines, or other periodical works of a like nature reverts to the author; and during such twenty-eight years the proprietor may not publish separately without the previous consent of the author or his assigns. Authors may by contract reserve to themselves the right of publishing in a separate form before the expiration of the twenty-eight years.

Necessity for Registration.—Copyright is created by the Statute, and does not depend upon registration, which is permissive only and not compulsory, but no proprietor of copyright in any book can take any proceedings in respect of any infringement of his copyright unless he has, before commencing his proceedings, registered his book.

Mode of Registration.—A proprietor of copyright desiring to register at Stationers' Hall must lodge there a demand signed by him and witnessed, in the form printed on the back hereof, *together with a fee of 5s.* for each entry.

Fee 5s.

Special care should be taken that the full and proper title of the book, and the correct *day, month, and year of first publication* are entered, as any error or omission may invalidate the entry.

A book cannot be registered *before it is published.*

A proprietor of the copyright in an encyclopædia, review, magazine, periodical work, or other work published in a series of books or parts, will be entitled to all the benefits of registration upon his registering the first volume, number, or part.

Music.—Proprietors of copyright in musical compositions entitled to, and desirous of retaining the right of, public representation or performance, must print on the title-page of every copy a notice to the effect that the right of public representation or performance is reserved.

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(a) Add now, Sweden.

FORMS USED AT STATIONERS' HALL.

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STATIONERS' HALL. *December 1903.*

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Title of Book.	Assigner of the Copyright.	Assignee of Copyright.
<p>* * The date of the previous Registration or Assignment must be given here . . .</p>		

Dated this _____ day of _____, 19 . . .

(Signed)

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THE LAW OF COPYRIGHT.

A stamped and addressed envelope to be enclosed with all communications to which an answer is required.

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Office hours 10 a.m. to 4 p.m. Saturdays 10 a.m. to 2 p.m.

STATIONERS' HALL, October 1903.

(Form of Requiring Entry of Proprietorship of Dramatic Piece or Musical Composition.)

To the Registering Officer appointed by the Stationers' Company.

I, _____ of _____, do hereby certify, That I am the proprietor of the *Liberty of Representation or Performance of a Dramatic Piece or Musical Composition*, intituled _____, and I hereby require you to make entry in the Register Book of the Stationers' Company of my Proprietorship of such *Liberty of Representation or Performance*, according to the particulars underwritten.

(Every particular given must be clearly written.)

Title of Dramatic Piece or Musical Composition.	Name and Place of Abode of the Author or Composer.	Name and Place of Abode of the Proprietor of the Sole Liberty of Representation or Performance.	Time and Place of First Representation or Performance.

Dated this _____ day of _____, 19____.
 Witness _____ (Signed)

N.B.--All names to be written in full.